

44 and control over the water system currently owned by the city of  
45 Jackson to operate the system after the receiver's work concludes  
46 in the next two years; and

47 (f) The creation and organization of a utility district  
48 prior to the date of the conclusion of the receiver's work will  
49 allow the best opportunity for minimal disruption in water,  
50 wastewater and storm water service and maximum ease of transition  
51 after the receiver has concluded his work in overseeing and  
52 operating the water system.

53 (2) Therefore, it is the intent of the Mississippi  
54 Legislature to:

55 (a) Provide authority to the Mississippi Capitol Region  
56 Utility Authority to transfer water, wastewater and storm water  
57 services provided by the City of Jackson to the utility  
58 authority's ownership, management and control when the  
59 court-appointed receiver's work concludes with the water system to  
60 ensure all citizens have access to safe, clean and reliable water,  
61 wastewater and storm water systems at affordable, regulated rates  
62 which are just, reasonable and provide an adequate amount of  
63 capital to keep such systems in good repair; and

64 (b) Partner with the Mississippi Department of Health,  
65 Mississippi Department of Environmental Quality, local  
66 governments, including the City of Jackson, within the boundaries  
67 of the utility district, and any other federal, state or local  
68 entity in taking any action necessary under this act to ensure all



69 citizens have access to safe, clean and reliable water, wastewater  
70 and storm water systems, with the understanding that federal and  
71 state agencies are solely responsible for regulating, but not  
72 operating, the utility authority.

73 **SECTION 3.** As used in this act, the following words and  
74 phrases have the meanings ascribed herein, unless the context  
75 clearly indicates otherwise:

76 (a) "Act" means the Mississippi Capitol Region Utility  
77 Act.

78 (b) "Board" means the Board of Directors of the  
79 Mississippi Capitol Region Utility Authority.

80 (c) "Bonds" means revenue bonds and other certificates  
81 of indebtedness of the authority issued under the provisions of  
82 this act.

83 (d) "Fiscal year" means the period of time beginning on  
84 July 1 of each year and ending on June 30 of each year.

85 (e) "Major procurement" means the procurement of any  
86 good or service in excess of One Million Dollars (\$1,000,000.00).

87 (f) "Municipality" means any incorporated city, town or  
88 village of the State of Mississippi, whether operating under  
89 general law or special charter.

90 (g) "Person" means the State of Mississippi, a county,  
91 a municipality, any state agency or any other city, town, village  
92 or political subdivision or governmental agency or instrumentality  
93 of the State of Mississippi or of the United States of America, or



94 any private utility, individual, copartnership, association, firm,  
95 trust, estate or any other entity whatsoever.

96 (h) "Project" means the construction, development or  
97 acquisition by the utility authority of any infrastructure for  
98 water, wastewater and storm water systems or services and includes  
99 upgrading or repair of existing systems.

100 (i) "Public agency" means any county, municipality,  
101 state board or utility authority owning or operating properties,  
102 districts created pursuant to the general laws or local and  
103 private laws of the State of Mississippi, or any other political  
104 subdivision of the State of Mississippi possessing the power to  
105 own and operate waterworks, water supply systems, sewerage  
106 systems, sewage treatment systems or other facilities or systems  
107 for the collection, transportation and treatment of water,  
108 wastewater, and storm water.

109 (j) "Receiver" means the interim third-party manager  
110 for the water system owned by the city of Jackson who was  
111 appointed by the U.S. District Court for the Southern District of  
112 Mississippi on November 29th, 2022, to oversee and operate the  
113 water system during the negotiation of a consent decree related to  
114 compliance with the Safe Drinking Water Act and other laws.

115 (k) "Storm water" means any flow occurring during or  
116 following any form of natural precipitation and resulting from  
117 that precipitation.



(l) "System" or "systems" means any plants, structures, facilities and other real and personal property used or useful in the generation, storage, transportation or supply of water, and the collection, transportation, treatment or disposal of wastewater and storm water, including tanks, lakes, streams, ponds, pipes, trunk lines, mains, sewers, conduits, pipelines, pumping and ventilating stations, plants, works, connections and any other real or personal property and rights therein necessary, useful or convenient for the purposes of the utility board or authorities in connection therewith.

(m) "Utility authority" shall mean the Mississippi Capitol Region Utility Authority.

(n) "Wastewater" means water being disposed of by any person and which is contaminated with waste or sewage, including industrial, municipal, and any other wastewater that may cause impairment of the quality of waters in the state.

(o) "Water" means potable water, service water and groundwater.

**SECTION 4.** (1) There is hereby created and established a public body corporate and politic constituting a political subdivision of the State of Mississippi to be known as the Mississippi Capitol Region Utility Authority. The authority will be composed of geographic areas receiving water, wastewater and storm water services from the city of Jackson as of the date of enactment of this act for the planning, acquisition, construction,





143 maintenance, operation and coordination of water, wastewater and  
144 storm water systems in order to ensure the delivery of water,  
145 wastewater and storm water services to citizens. Such utility  
146 authority is created solely to accomplish the purposes of the  
147 State under this act and the exercise by the utility authority of  
148 the powers conferred by this act shall be deemed and held to be  
149 the performance of an essential public function promoting the  
150 health, welfare and prosperity of the general public.

151 (2) The existence of the utility authority shall begin upon  
152 the appointment of a majority of its board as provided in Section  
153 5 of this act.

154 (3) The utility authority shall assume ownership, management  
155 and control over the water, wastewater and storm water systems on  
156 the date of termination of the receiver by the U.S. District Court  
157 for the Southern District of Mississippi.

158 (4) In the event of any action or matter against the utility  
159 authority, the Chief Justice shall select an appropriate Circuit  
160 or Chancery Court, which shall have exclusive jurisdiction over  
161 the matter. For purposes of court costs, the utility authority  
162 shall be a private corporation.

163 **SECTION 5.** (1) The affairs of the utility authority shall  
164 be administered by the Mississippi Capitol Region Utility  
165 Authority Board of Directors. The board shall be composed of nine  
166 (9) members to be selected as follows: The Mayor of the City of  
167 Jackson, with the advice and consent of the Senate, shall appoint



168 four (4) members. The Mayor of the City of Jackson shall consult  
169 with the Mayor of the City of Byram to appoint one (1) of their  
170 four (4) appointments as long as the City of Byram is included  
171 within the boundaries of the systems. The Mayor of the City of  
172 Jackson shall consult with the Mayor of the City of Ridgeland to  
173 appoint one (1) of their four (4) appointments as long as the City  
174 of Ridgeland is included within the boundaries of the systems.  
175 The Governor, with the advice and consent of the Senate, shall  
176 appoint three (3) members. The Lieutenant Governor, with the  
177 advice and consent of the Senate, shall appoint two (2) members.  
178 All members shall be appointed within sixty (60) days of the  
179 enactment of this act.

180 In the appointment process, appointing authorities shall  
181 attempt to see that all portions of society and its diversity are  
182 represented in members of the utility authority. All appointed  
183 members must be residents of the State of Mississippi, must be  
184 ratepayers within the system boundaries, and must have  
185 significant, demonstrated experience in business management,  
186 fiscal affairs, public health or public utilities.

187 (2) The initial terms of the Board of Directors shall be as  
188 follows: One (1) member appointed by the Mayor of the City of  
189 Jackson shall serve for an initial term of four (4) years. One  
190 (1) member appointed by the Mayor of the City of Jackson shall  
191 serve for an initial term of three (3) years. One (1) member  
192 appointed by the Mayor of the City of Jackson shall serve for an



193 initial term of two (2) years. One (1) member appointed by the  
194 Mayor of the City of Jackson shall serve for an initial term of  
195 one (1) year. The Governor shall appoint one (1) member for a  
196 term of four (4) years, one (1) member for a term of three (3)  
197 years, and one (1) member for a term of two (2) years. The  
198 Lieutenant Governor shall appoint one (1) member for a term of  
199 four (4) years and one (1) member for a term of three (3) years.

200 (3) Except as provided in Section 5(2) of this act,  
201 appointments shall be for a term of four (4) years. Each member  
202 shall hold office until his successor has been appointed and  
203 qualified. Vacancies shall be filled by appointment by the  
204 appropriate appointing authority, subject to the advice and  
205 consent of the Senate, for the length of the unexpired term only.  
206 Any member of the utility authority shall be eligible for  
207 reappointment for a maximum of two (2) full terms. Each member of  
208 the utility authority shall before entering upon his duty take an  
209 oath of office to administer the duties of his office faithfully  
210 and impartially, and a record of such oath shall be filed in the  
211 office of the Secretary of State. The utility authority shall  
212 annually elect from its membership a chairman and vice chairman  
213 who shall be eligible for reelection. The utility authority shall  
214 also elect or appoint, and prescribe the duties of, such other  
215 officers, who need not be members, as the utility authority deems  
216 necessary or advisable and the utility authority shall fix the  
217 compensation of such officers. The utility authority may delegate



218 to one or more of its members, officers, employees or agents such  
219 powers and duties as it may deem proper, not inconsistent with  
220 this article or other provisions of law.

221 (4) The members of the utility authority shall serve without  
222 salary, but shall be entitled to receive a per diem pay as  
223 provided in Section 25-3-69, plus travel and necessary expenses,  
224 including mileage, as provided in Section 25-3-41, incurred while  
225 in the performance of his or her duties as a member of the board  
226 of directors of the utility authority upon authorization by the  
227 board. Expenses shall be paid from the available funds of the  
228 utility authority after the utility authority assumes ownership,  
229 management and control of the water, wastewater and storm systems  
230 as provided in this act. Until the date the utility authority  
231 assumes ownership, management and control of the water, wastewater  
232 and stormwater systems as provided in this act, expenses shall be  
233 paid by the State of Mississippi.

234 (5) All meetings of the board shall be subject to the Open  
235 Meetings Act in Section 25-41-1 et seq. The chairman or a  
236 majority of members of the utility authority may convene the board  
237 for a meeting.

238 (6) Except as may be provided by law, all records of the  
239 utility authority shall be deemed public records and subject to  
240 public inspection as provided by Section 25-61-1 et seq.

241 (7) The board may by majority vote excuse the absence of any  
242 member of the board. In the event that any member of the board is



243 absent for two board meetings in a twelve-month period without  
244 such absences being excused by the board, his or her membership on  
245 the board shall be terminated as a function of law, without any  
246 action by the board, and the removed member of the board shall be  
247 ineligible for reappointment to the board. The original  
248 appointing authority shall retain their right to appoint a new  
249 board member to replace the removed board member.

250 (8) No employee of the utility authority shall be a member  
251 of the board.

252 (9) Until such time that the utility district assumes  
253 ownership, management, and control of the water, wastewater and  
254 storm water systems, the board shall cooperate and coordinate with  
255 the receiver in order to provide the best opportunity to for  
256 minimal disruption in service and maximum ease of transition after  
257 the receiver has concluded his work in overseeing and operating  
258 the water system.

259 **SECTION 6.** (1) The utility authority shall consult with the  
260 receiver and the City of Jackson in appointing a president by  
261 January 1, 2024, who shall serve at the will and pleasure of the  
262 board. If the utility authority does not have ownership,  
263 management, and control of the water, wastewater and storm water  
264 systems by the date of the appointment of a president, the State  
265 of Mississippi shall pay the salary of the president on a  
266 bimonthly basis. The president shall manage the daily affairs of  
267 the utility authority and shall have such powers and duties as



268 specified by this act, by the board, and any rules or regulations  
269 adopted by the board. The president shall not be a member of the  
270 board. The president shall serve at the will and pleasure of the  
271 board.

272 (2) Until such time that the utility district assumes  
273 ownership, management, and control of the water, wastewater and  
274 storm water systems, the president shall cooperate and coordinate  
275 with the receiver in order to provide the best opportunity to for  
276 minimal disruption in service and maximum ease of transition after  
277 the receiver has concluded his work in overseeing and operating  
278 the water system.

279 (3) The president shall employ such personnel as he or she  
280 deems necessary. All personnel shall serve at the will and  
281 pleasure of the president, unless otherwise specified by the  
282 president.

283 (4) The board shall set the salary of the president at such  
284 level as is necessary to recruit and retain a qualified  
285 professional with the expertise necessary in a public utility.  
286 The board may authorize whatsoever incentive compensation program  
287 for the president and utility authority staff as it deems  
288 necessary and proper. The utility authority shall be exempt from  
289 the provisions of Section 25-3-39.

290 **SECTION 7.** (1) The utility authority shall have the power,  
291 duty and responsibility to exercise general supervision over the



292 design, construction, operation and maintenance of water,  
293 wastewater and storm water systems.

294 (2) The utility authority shall adopt rules and regulations  
295 regarding the design, construction or installation, operation and  
296 maintenance of water, wastewater and storm water systems.

297 (3) The utility authority shall adopt rules and regulations  
298 regarding the use of decentralized treatment systems, individual  
299 on-site wastewater treatment systems and centralized wastewater  
300 treatment systems.

301 (4) The utility authority shall adopt rules establishing  
302 performance standards for water, wastewater and storm water  
303 systems and the operation and maintenance of the same. Such rules  
304 and regulations shall include the implementation of a standard  
305 application form for the installation, operation and maintenance  
306 of such systems; application review; approval or denial procedures  
307 for any proposed system; inspection, monitoring and reporting  
308 guidelines; and enforcement procedures.

309 (5) (a) Before a building or development which requires the  
310 installation of a water, wastewater or storm water system is  
311 constructed, the system must be submitted to the utility authority  
312 for certification that the system complies with the utility  
313 authority requirements for such system.

314 (b) Before approving or renewing a water, wastewater or  
315 storm water related permit for a system within a utility



316 authority, the state agency must require certification that the  
317 system complies with the requirements of the utility authority.

318 (6) Any system of any municipality, public agency or other  
319 persons which contracts with a utility authority shall be subject  
320 to the terms of that contract and the terms of this act.

321 (7) Notwithstanding the provisions of Section 51-39-1 et  
322 seq., the utility authority shall have the full power to adopt  
323 rules and regulations and to construct, maintain, lease and  
324 operate facilities for the control of storm water quality and  
325 quantity. In addition, the provisions of Section 51-33-1 relating  
326 to drainage districts and flood control districts do not apply to  
327 the utility authority.

328 (8) The utility authority may control and operate the local  
329 retail water, wastewater or storm water services and may provide  
330 or be responsible for direct servicing of those services to  
331 residences, businesses and individuals; however, the utility  
332 authority shall not provide the same service in an area provided  
333 by a public utility or person holding a certificate of public  
334 convenience and necessity issued by the Mississippi Public Service  
335 Commission for the provision of such services in the certificated  
336 area.

337 **SECTION 8.** (1) The utility authority, in addition to any  
338 other powers granted under any other provision of law, including,  
339 but not limited to the following:





340 (a) To acquire, construct, improve, enlarge, extend,  
341 repair, operate and maintain one or more of its systems used for  
342 the collection, transportation, treatment and disposal of water,  
343 wastewater and storm water;

344 (b) To make contracts with any person in furtherance  
345 thereof; and to make contracts with any person, under the terms of  
346 which the utility authority will collect, transport, treat or  
347 dispose of water, wastewater and storm water for such person, and  
348 to cancel any contracts existing as of the date of enactment of  
349 this act;

350 (c) To make contracts with any person to design and  
351 construct any water, wastewater and storm water systems or  
352 facilities, and thereafter to purchase, lease or sell, by  
353 installments over such terms as may be deemed desirable,  
354 reasonable and necessary, or otherwise, any such system or  
355 systems;

356 (d) To enter into operating agreements with any person,  
357 for such terms and upon such conditions as may be deemed  
358 desirable, for the operation of any water, wastewater and storm  
359 water systems; and the utility authority may lease to or from any  
360 person, for such term and upon such conditions as may be deemed  
361 desirable, any water, wastewater and storm water collection,  
362 transportation, treatment or its other facilities or systems. Any  
363 such contract may contain provisions requiring any public agency  
364 or other person to regulate the quality and strength of materials



365 to be handled by the respective system or systems and also may  
366 provide that the utility authority shall have the right to use any  
367 streets, alleys and public ways and places within the jurisdiction  
368 of a public agency or other person during the term of the  
369 contract;

370 (e) To enter into contracts with any person or any  
371 public agency, including, but not limited to, contracts authorized  
372 by this act, in furtherance of any of the purposes authorized  
373 under this act upon such consideration as the board of directors  
374 and such person may agree. Any such contract may extend over any  
375 period of time, notwithstanding any provision or rule of law to  
376 the contrary; may be upon such terms and for such consideration,  
377 nominal or otherwise, as the parties thereto shall agree; and may  
378 provide that it shall continue in effect until bonds specified  
379 therein, refunding bonds issued in lieu of such bonds, and all  
380 other obligations specified therein are paid or terminated. Any  
381 such contract shall be binding upon the parties thereto according  
382 to its terms;

383 (f) To sue and be sued, in its own name, and to enjoy  
384 all of the protections, immunities and benefits provided by the  
385 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be  
386 amended or supplemented from time to time;

387 (g) To maintain office space at such place or places  
388 within the utility authority's boundaries as it may determine;



389                   (h) To invest money of the utility authority, including  
390 proceeds from the sale of any bonds subject to any agreements with  
391 bondholders, on such terms and in such manner as the utility  
392 authority deems proper;

393                   (i) To pay any outstanding City of Jackson bonds  
394 relating to the water and sewer systems under their existing  
395 terms;

396                   (j) To require the necessary relocation or rerouting of  
397 roads and highways, railroad, telephone and telegraph lines, and  
398 properties, electric power lines, gas pipelines and related  
399 facilities, or to require the anchoring or other protection of any  
400 of these, provided fair compensation is first paid to the owners  
401 or an agreement with such owners regarding the payment of the cost  
402 of such relocation, and to acquire easements or rights-of-way for  
403 such relocation or rerouting and to convey the same to the owners  
404 of the property being relocated or rerouted in connection with the  
405 purposes of this act. This provision shall be in accordance with  
406 Mississippi Constitution Article 17A, Section 11-27-30, and House  
407 Bill No. 1769 as passed during the 2022 Legislative Session;

408                   (k) To acquire, construct, improve or modify, to  
409 operate or cause to be operated and maintained, either as owner of  
410 all or of any part in common with others, any water, wastewater or  
411 storm water system within the utility authority's service area.  
412 The utility authority may pay all or part of the cost of any  
413 system from any contribution by persons, firms, public agencies or



414 corporations. The utility authority may receive, accept and use  
415 all funds, public or private, and pay all costs of the  
416 development, implementation and maintenance as may be determined  
417 as necessary for any project;

418 (l) To acquire, in its own name, by purchase on any  
419 terms and conditions and in any manner as it may deem proper,  
420 property for public use, or by gift, grant, lease, or otherwise,  
421 real property or easements therein, franchises and personal  
422 property necessary or convenient for its corporate purposes. This  
423 provision shall be in accordance with Mississippi Constitution  
424 Article 17A, Section 11-27-30, and House Bill No. 1769 as passed  
425 during the 2022 Legislative Session;

426 (m) To acquire insurance for the utility authority's  
427 systems, facilities, buildings, treatment plants and all property,  
428 real or personal, to insure against all risks as any insurance  
429 may, from time to time, be available;

430 (n) To use any property and rent or lease any property  
431 to or from others, including public agencies, or make contracts  
432 for the use of the property. The utility authority may sell,  
433 lease, exchange, transfer, assign, pledge, mortgage or grant a  
434 security interest for any property. The powers to acquire, use  
435 and dispose of property as set forth in this paragraph shall  
436 include the power to acquire, use and dispose of any interest in  
437 that property, whether divided or undivided. Title to any property



438 of the utility authority shall be held by the utility authority  
439 exclusively for the benefit of the public;

440 (o) To apply, contract for, accept, receive and  
441 administer gifts, grants, appropriations and donations of money,  
442 materials and property of any kind, including loans and grants  
443 from the United States, the state, a unit of local government, or  
444 any agency, department, district or instrumentality of any of the  
445 foregoing, upon any terms and conditions as the United States, the  
446 state, a unit of local government, or any agency, department,  
447 district or instrumentality shall impose. The utility authority  
448 may administer trusts. The utility authority may sell, lease,  
449 transfer, convey, appropriate and pledge any and all of its  
450 property and assets;

451 (p) To make and enforce, and from time to time amend  
452 and repeal, bylaws, rules, ordinances and regulations for the  
453 management of its business and affairs and for the construction,  
454 use, maintenance and operation of any of the systems under its  
455 management and control;

456 (q) To employ and terminate staff and other personnel,  
457 including attorneys, engineers and consultants as may be necessary  
458 to the functioning of the utility authority;

459 (r) To establish and maintain rates, fees and any other  
460 charges for services and the use of systems and facilities within  
461 the control of the utility authority, and from time to time, to  
462 adjust such rates, fees and any other charges to the end that the



463 revenues therefrom will be sufficient at all times to pay the  
464 expenses of operating and maintaining of the facilities and  
465 treatment systems and all of the persons' obligations under any  
466 contract or bonds resolution with respect thereto or any  
467 obligation of any person under any agreement, contract, indenture  
468 or bonds resolution with respect thereto. Such rates, fees,  
469 assessments and any other charges shall be subject to the  
470 jurisdiction of the Mississippi Public Service Commission. Such  
471 rates, fees, assessments or any other charges shall be equal as  
472 levied on citizens throughout the utility authority's boundaries.  
473 For purposes of Section 77-3-33, the rates charged by the utility  
474 authority shall be just and reasonable if they are adequate to  
475 provide safe and reliable water, wastewater and storm water  
476 service to its customers, including providing an adequate amount  
477 of capital for the utility authority to perform such repairs,  
478 upgrades and improvements as it deems necessary on an ongoing  
479 basis. The Mississippi Public Service Commission shall defer to  
480 the utility authority's determination of what rates are just and  
481 reasonable absent a showing of manifest error;

482 (s) To adopt rules and regulations necessary to  
483 accomplish the purposes of the utility authority and to assure the  
484 payment of each participating person or public agency of its  
485 proportionate share of the costs for use of any of the systems and  
486 facilities of the utility authority and for the utility  
487 authority's proportionate share of the costs of the board;



488 (t) To enter on public or private lands, waters or  
489 premises for the purpose of making surveys, borings or soundings,  
490 or conducting tests, examinations or inspections for the purposes  
491 of the authority, subject to responsibility for any damage done to  
492 property entered;

493 (u) To accept industrial wastewater from within the  
494 boundaries of the utility authority for treatment and to require  
495 the pretreatment of same when, in the opinion of the utility  
496 authority, such pretreatment is necessary;

497 (v) To control and operate local retail water,  
498 wastewater and storm water services, and may provide or be  
499 responsible for direct servicing of those services to residences,  
500 businesses and individuals; however, the utility authority shall  
501 not provide the same services in an area provided by a public  
502 utility or person holding a certificate of public convenience and  
503 necessity issued by the Mississippi Public Service Commission for  
504 the provision of such services in the certificated area;

505 (w) To assume control and administer, within the  
506 utility authority's jurisdiction, any water, wastewater or storm  
507 water system or systems by agreement or contract with any person  
508 if the person providing such services requests to be relieved of  
509 that responsibility. However, the person may maintain control  
510 over connections in their service areas and may charge rates, fees  
511 and any other charges in addition to the rates, fees and any  
512 charges of the utility authority;

513           (x) The utility authority shall have the power to  
514 acquire property designated by plan to sufficiently accommodate  
515 the location of water, wastewater or storm water systems and such  
516 requirements related directly thereto pursuant to the provisions  
517 of Title 11, Chapter 27, Mississippi Code of 1972. The utility  
518 authority may acquire property necessary for any system and the  
519 exercise of the powers, rights and duties conferred upon the  
520 utility authority by this act. No person owning the drilling  
521 rights or the right to share in production shall be prevented from  
522 exploring, developing or producing oil or gas with necessary  
523 rights-of-way for ingress and egress, pipelines and other means of  
524 transporting such interests on any lands or interest of the  
525 utility authority held or used for the purposes of this act, but  
526 any such activities shall be subject to reasonable regulations by  
527 the board of directors that will adequately protect the systems or  
528 projects of the utility authority. This provision shall be in  
529 accordance with Mississippi Constitution Article 17A and House  
530 Bill No. 1769 as passed during the 2022 Legislative Session;  
531           (y) To use any legally available funds to acquire,  
532 rebuild, operate and maintain any existing water, wastewater or  
533 storm water systems owned or operated by any person;  
534           (z) To refuse to receive water, wastewater or storm  
535 water from any public agency or person;  
536           (aa) So long as any indebtedness on the systems of the  
537 utility authority remains outstanding, to require a member public





538 agency, or other person, that all water, wastewater and storm  
539 water within the boundaries of the respective utility authority be  
540 disposed of through the appropriate treatment system to the extent  
541 that the same may be available, but no public agency shall be  
542 precluded from constructing, operating and maintaining its own  
543 such system after the current indebtedness owing on the system as  
544 of the date of enactment of this act, is paid in full; and

545 (bb) Adopt a seal and a symbol, and hold patents,  
546 copyrights, trademarks, and service marks and enforce its rights  
547 with respect thereto.

548 (3) The utility authority shall:

549 (a) Submit annual reports to the Governor, Lieutenant  
550 Governor, Speaker of the House of Representatives, State Auditor,  
551 Joint Legislative Committee on Performance Evaluation and  
552 Expenditure Review and the governing authorities of any  
553 municipality whose citizens are within the utility authority's  
554 boundaries regarding the water quality and financial conditions of  
555 such system or systems, as well as a schedule of currently planned  
556 repairs, upgrades or improvements planned by the utility  
557 authority;

558 (b) Immediately submit to the Governor, Lieutenant  
559 Governor, Speaker of the House of Representatives and the  
560 governing authorities of any municipality whose citizens are  
561 within the utility authority's boundaries any information received  
562 from the Mississippi State Department of Health or Department of



563 Environmental Quality or other state or federal regulatory  
564 agencies regarding the condition of a transferred eligible  
565 municipal system. The utility authority, in addition to abiding  
566 by any other federal or state reporting requirements, must also  
567 report such information to the public on its website and to  
568 individuals residing within the municipality as required by  
569 federal or state law;

570 (c) Publish audited annual financial statements, which  
571 shall be made available to the public. The annual financial  
572 statements shall include disposition of all funds expended by the  
573 Utility authority for any purpose. Quarterly financial statements  
574 shall be made available to the public by posting on the Utility  
575 authority's website;

576 (d) Adopt by administrative rules and regulations a  
577 system of continuous internal audits;

578 (e) Adopt by administrative rules and regulations a  
579 code of ethics for officers and employees of the utility authority  
580 to carry out the standards of conduct established by this act; and

581 (f) Adopt by administrative rules and regulations  
582 guidelines for the disposal of property if the utility authority  
583 is dissolved.

584 **SECTION 9.** (1) The president, as executive director of the  
585 utility authority, if so appointed by the utility authority, shall  
586 direct and supervise all administrative and technical activities  
587 in accordance with the provisions of this act, within the



588 administrative rules and regulations adopted by the board, and in  
589 accordance with industry practice. The president shall:

590 (a) Supervise and administer or contract for the  
591 supervision and administration of the water, wastewater and storm  
592 water systems owned, managed or controlled by the utility  
593 authority.

594 (b) Employ and direct such personnel as may be  
595 necessary to carry out the purposes of this act and utilize such  
596 services, personnel or facilities of the utility authority as he  
597 or she may deem necessary.

598 (c) Make available for inspection by the board or any  
599 member of the board or the Governor, Lieutenant Governor, Speaker  
600 of the House or the governing authorities of any municipality  
601 whose citizens are served by the utility authority, upon request,  
602 all books, records, files and other information and documents of  
603 his or her office and advise the board and recommend such  
604 administrative rules and regulations and other matters he or she  
605 deems necessary and advisable to improve the operation and  
606 administration of the utility authority.

607 (d) Attend meetings of the board or appoint a designee  
608 to attend on his or her behalf.

609 (e) Not later than thirty (30) days before the  
610 beginning of the utility authority's fiscal year, submit the  
611 proposed annual budget of the utility authority to the board for  
612 review and approval. This shall include a schedule of planned



repairs, upgrades or improvements to the systems and the anticipated capital cost of each. In addition, the proposed annual budget of the utility authority shall include a personnel table reporting information for each full-time and part-time permanent position, as follows:

(i) The position title and the salary for each position in the existing operating budget for the current fiscal year, indicating whether each position is filled or vacant as of the reporting date; and

(ii) The position title and the salary recommended for each position for the next fiscal year.

(f) The president shall require bond of fifty thousand dollars (\$50,000.00) from employees with access to funds or in such an amount as provided in the administrative rules and regulations of the board.

(2) The president may:

(a) Require bond from other employees as he or she deems necessary; and

(b) For good cause, and with approval from the majority of the board, suspend, revoke or refuse to renew any contract entered into in accordance with this act or the administrative rules and regulations of the board.

(c) Upon specific or general approval of the board, enter into personal service contracts pursuant to administrative rules and regulations adopted by the board and compensate such



638 consultants and technical assistants as may be required to carry  
639 out the provisions of this act.

640 (3) Agencies, departments or units of state government,  
641 including, but not limited to, the Mississippi Department of  
642 Health and the Mississippi Department of Environmental Quality,  
643 shall cooperate with the utility authority to regulate the utility  
644 authority and assure the effective operation of the utility  
645 authority's systems, with the understanding that such agencies act  
646 as a regulator and not operator of such systems. All state  
647 officers are hereby empowered and required to render such services  
648 to the utility authority within their respective functions as may  
649 be requested by the utility authority.

650 **SECTION 10.** Employees of the utility authority shall serve  
651 at the will and pleasure of the president who shall determine  
652 their compensation and benefits. The compensation of officers at  
653 the division head level and above shall be determined by the  
654 board.

655 **SECTION 11.** Neither the directors of the utility authority,  
656 the board, its employees, nor any person or persons acting on  
657 their behalf, while acting within the scope of their authority,  
658 shall be subject to personal liability resulting from carrying out  
659 any of the powers granted herein in accordance with his or her  
660 good faith belief that he or she is acting in the best interests  
661 of the utility authority.



**SECTION 12.**

(1) The utility authority shall enter into its contracts for major procurements after a competitive and open procurement process. The utility authority may adopt administrative rules and regulations pursuant to the provisions of this act providing for special procedures whereby the utility authority may make any class of procurement. The utility authority shall endeavor to ensure the transparency and competitiveness of procurements of all sizes.

(2) In its bidding processes, the utility authority may do its own bidding and procurement or may utilize the services of other state agencies as appropriate and necessary. The president may, with the approval of a majority of the board, declare an emergency for purchasing purposes which shall be governed by the administrative rules and regulations adopted by the board.

**SECTION 13.**

All monies received by the utility authority shall be deposited into an operating account. Such account shall be established in a custodian financial institution domiciled in the State of Mississippi, insured by the Federal Deposit Insurance Corporation and collateralized as prescribed by Section 27-105-5.

**SECTION 14.**

All division heads, officers and employees of the utility authority shall be considered public servants as defined in Section 25-4-103. All division heads and officers of the utility authority are subject to Section 25-4-25 and shall be required to file a Statement of Economic Interest with the Mississippi Ethics Commission.



**SECTION 15.**

(1) Any public agency or person, pursuant to a duly adopted resolution of the governing body of such public agency or person, may enter into contracts with the utility authority under the terms of which the utility authority will manage, operate and contract for usage of its systems and facilities, or other services, for such person or public agency.

(2) Any public agency or person may enter into contracts with the utility authority for the utility authority to purchase or sell, by installments over such terms as may be deemed desirable, or otherwise, to any person or any systems. Any public agency may sell, donate, convey, or otherwise dispose of water, wastewater and storm water facilities or systems; or any equipment, personal property or any other things, deemed necessary for the construction, operation, and maintenance to the utility authority without the necessity of appraisal, advertising, or bidding. This section creates an alternative method of disposal of public property.

(3) Any public agency is authorized to enter into operating agreements with the utility authority, for such terms and upon such conditions as may be deemed desirable, for the operation of any of its systems of any person by the utility authority or by any person contracting with the utility authority to operate such systems.

710           (4) Any public agency may lease to or from the utility  
711 authority, for such term and upon such conditions as may be deemed  
712 desirable, any of its systems.

713           (5) Any municipality or county may donate office space,  
714 equipment, supplies, and materials to the utility authority.

715           (6) Any such contract may contain provisions requiring any  
716 public agency or other person to regulate the quality and strength  
717 of the material to be handled by the wastewater or storm water  
718 systems and may also provide that the utility authority shall have  
719 the right to use any streets, alleys and public ways and places  
720 within the jurisdiction of a public agency or other person during  
721 the term of the contract. Such contracts may obligate the public  
722 agency to make payments to the utility authority or to a trustee  
723 in amounts which shall be sufficient to enable the utility  
724 authority to defray the expenses of administering, operating and  
725 maintaining its respective systems, to pay interest and principal  
726 (whether at maturity upon redemption or otherwise) on bonds of the  
727 utility authority, issued under this act and to fund reserves for  
728 debt service, for operation and maintenance and for renewals and  
729 replacements, to fulfill the requirements of any rate covenant  
730 with respect to debt service coverage contained in any resolution,  
731 trust indenture or other security agreement relating to the bonds  
732 of the utility authority issued under this act or to fulfill any  
733 other requirement relating to bonds issued pursuant to this act.





734           (7) Any public agency shall have the power to enter into  
735 such contracts with the utility authority as in the discretion of  
736 the governing body of the public agency would be in the best  
737 interest of the public agency. Such contracts may include a  
738 pledge of the full faith and credit of such public agency and/or  
739 the avails of any special assessments made by such public agency  
740 against property receiving benefits, as now or hereafter are  
741 provided by law. Any such contract may provide for the sale, or  
742 lease to, or use of by the utility authority, of the systems or  
743 any part thereof, of the public agency; and may provide that the  
744 utility authority shall operate its systems or any part thereof of  
745 the public agency; and may provide that any public agency shall  
746 have the right to continued use and/or priority use of the systems  
747 or any part thereof during the useful life thereof upon payment of  
748 reasonable charges therefor; and may contain provisions to assure  
749 equitable treatment of persons or public agencies who contract  
750 with the utility authority under this act; and may contain such  
751 other provisions and requirements as the parties thereto may  
752 determine to be appropriate or necessary. Such contracts may  
753 extend over any period of time, notwithstanding any provisions of  
754 law to the contrary, and may extend beyond the life of the  
755 respective systems or any part thereof or the term of the bonds  
756 sold with respect to such facilities or improvements thereto.

757           (8) The obligations of a public agency arising under the  
758 terms of any contract referred to in this act, whether or not



759 payable solely from a pledge of revenues, shall not be included  
760 within the indebtedness limitations of the public agency for  
761 purposes of any constitutional or statutory limitation or  
762 provision. To the extent provided in such contract and to the  
763 extent such obligations of the public agency are payable wholly or  
764 in part from the revenues and other monies derived by the public  
765 agency from the operation of its systems or of its combined  
766 systems, or any part thereof, such obligations shall be treated as  
767 expenses of operating such systems.

768 (9) Contracts referred to in this section may also provide  
769 for payments in the form of contributions to defray the cost of  
770 any purpose set forth in the contracts and as advances for the  
771 respective systems or any part thereof subject to repayment by the  
772 utility authority. A public agency may make such contributions or  
773 advances from its general fund or surplus fund or from special  
774 assessments or from any monies legally available therefor.

775 (10) Subject to the terms of a contract or contracts  
776 referred to in this act, the utility authority is hereby  
777 authorized to do and perform any and all acts or things necessary,  
778 convenient or desirable to carry out the purposes of such  
779 contracts, including the fixing, charging, collecting, maintaining  
780 and revising of rates, fees and other charges for the services  
781 rendered to any user of any of the systems operated or maintained  
782 by the utility authority, whether or not such systems are owned by  
783 the utility authority.



784 (11) No provision of this act shall be construed to prohibit  
785 any public agency, otherwise permitted by law to issue bonds, from  
786 issuing bonds in the manner provided by law for the construction,  
787 renovation, repair or development of any of the utility  
788 authority's systems, or any part thereof, owned or operated by  
789 such public agency.

790 **SECTION 16.** Whenever a public agency shall have executed a  
791 contract under this act and the payments thereunder are to be made  
792 either wholly or partly from the revenues of the public agency's  
793 systems, or any part thereof, or a combination of such systems,  
794 the duty is hereby imposed on the public agency to establish and  
795 maintain and from time to time to adjust the rate or fees charged  
796 by the public agency for the services of such systems, so that the  
797 revenues therefrom, together with any taxes and special  
798 assessments levied in support thereof, will be sufficient at all  
799 times to pay:

800 (a) The expense of operating and maintaining such  
801 systems, including, but not limited to, all of the public agency's  
802 obligations to the utility authority and the cost required to  
803 staff such systems, its successors or assigns under such contract;  
804 and

805 (b) All of the public agency's obligations under and in  
806 connection with bonds theretofore issued, or which may be issued  
807 thereafter and secured by the revenues of such systems. Any such  
808 contract may require the use of consulting engineers and financial



809 experts to advise the public agency whether and when such rates  
810 and fees are to be adjusted.

811 **SECTION 17.** (1) Notwithstanding the provisions of Sections  
812 77-3-21 and 77-3-23, the certificate of public convenience and  
813 necessity held by any municipality, public agency, district,  
814 public utility or other person authorized by law to provide water,  
815 sewer and wastewater services may be cancelled and its powers,  
816 duties and responsibilities transferred to the utility authority  
817 in the manner provided by this section.

818 (2) Any entity described in subsection (1) of this section  
819 desiring to have its certificate of public convenience and  
820 necessity cancelled and its powers, duties and responsibilities  
821 transferred to the utility authority shall make a determination to  
822 that effect on its official minutes if a public entity, or by  
823 affidavit if not a public entity, and transmit such determination  
824 to the utility authority.

825 (3) Upon receipt of the document evidencing such  
826 determination from an entity to transfer its powers, duties and  
827 responsibilities to the utility authority, the utility authority  
828 shall, by resolution, declare whether it is willing and able to  
829 accept such transfer from the entity.

830 (4) Upon completion of the requirements of subsections (2)  
831 and (3) of this section herein and agreement by both parties to  
832 the transfer, the holder of the certificate of public convenience  
833 and necessity and the utility authority shall jointly petition the



834 Public Service Commission to cancel the certificate of public  
835 convenience and necessity. The petition must be accompanied by  
836 copies of the official minutes, affidavit or resolution, as the  
837 case may be, reflecting the actions of the petitioners. After  
838 review of the petition and any other evidence as the Public  
839 Service Commission deems necessary, the commission may issue an  
840 order canceling the certificate and transferring to the utility  
841 authority the powers, duties and responsibilities granted by the  
842 certificate, including all assets and debts of the transferor  
843 petitioner related to such certificated services, real or  
844 personal, or both, if it finds that:

845 (a) Subsections (2) and (3) of this section have been  
846 complied with; and

847 (b) Such action is in the public interest.

848 (5) The utility authority and providers of water, sewer,  
849 wastewater and storm water services that are not holders of a  
850 certificate of a public convenience and necessity from the Public  
851 Service Commission may enter into agreements for the provision of  
852 such services, including, but not limited to, the transfer to the  
853 utility authority of such provider's powers, duties,  
854 responsibilities, assets and debts.

855 (6) Nothing herein shall require a municipality currently  
856 served by the utility authority to remain within the boundaries of  
857 the utility authority.



**SECTION 18.**

(1) Any system of a municipality, public agency or person that becomes subject to the jurisdiction of a utility authority and this act shall not impair, invalidate or abrogate any liens, bonds or other certificates of indebtedness related to water, storm water or wastewater facilities and systems incurred prior to becoming subject to the jurisdiction of the utility authority.

(2) The utility authority may do and perform any and all acts necessary, convenient or desirable to ensure the payment, redemption or satisfaction of such liens, bonds or other certificates of indebtedness.

**SECTION 19.**

(1) Sections 49-17-753 through 49-17-771 apply to all bonds to be issued after the date of enactment of this act, and such provisions shall not affect, limit or alter the rights and powers of any utility authority under this act or any law of Mississippi to conduct the activities referred to herein in any way pertinent to the interests of the bondholders, including, without limitation, such utility authority's right to charge and collect rates, fees and charges and to fulfill the terms of any covenants made with the registered owners of any existing bonds, or in any other way impair the rights and remedies of the registered owners of any existing bonds, unless provision for full payment of such bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security interest securing the bonds.



883           (2) The utility authority shall have the power and is hereby  
884 authorized, from time to time, to borrow money and to issue  
885 revenue bonds and interim notes in such principal amounts as the  
886 utility authority may determine to be necessary to provide  
887 sufficient funds for achieving one or more of the purposes of this  
888 act, including, without limiting the generality of the foregoing,  
889 to defray all the costs of the project, the cost of the  
890 acquisition, construction, improvement, repair or extension of a  
891 system, or any part thereof, whether or not such facilities are  
892 owned by the utility authority, the payment of interest on bonds  
893 of the utility authority issued pursuant to this act,  
894 establishment of reserves to secure such bonds and payment of the  
895 interest thereon, expenses incident to the issuance of such bonds  
896 and to the implementation of the utility authority's system, and  
897 all other expenditures of the utility authority incident to or  
898 necessary or convenient to carry out the purposes of this act.

899           (3) Before issuing bonds, other than interim notes or  
900 refunding bonds as provided in Section 49-17-757, the board of  
901 directors of the utility authority shall adopt a resolution  
902 declaring its intention to issue such bonds and stating the  
903 maximum principal amount of bonds proposed to be issued, a general  
904 generic description of the proposed improvements and the proposed  
905 location thereof and the date, time and place at which the board  
906 of directors proposes to take further action with respect to the  
907 issuance of such bonds. The resolution shall be published once a



908 week for at least three (3) consecutive weeks in at least one (1)  
909 newspaper having a general circulation within the geographical  
910 limits of all of the public agencies which have contracted with  
911 the utility authority pursuant to this act.

912 (4) Bonds of the utility authority issued pursuant to this  
913 act shall be payable from and secured by a pledge of all or any  
914 part of the revenues under one or more contracts entered into  
915 pursuant to this act between the utility authority and one or more  
916 of its contracting public agencies and from all or any part of the  
917 revenues derived from the operation of any designated system or  
918 any part or parts thereof and any other monies legally available  
919 and designated therefor, as may be determined by such utility  
920 authority, subject only to any agreement with the purchasers of  
921 the bonds. Such bonds may be further secured by a trust indenture  
922 between such utility authority and a corporate trustee, which may  
923 be any trust company or bank having powers of a trust company  
924 without or within the state.

925 (5) Bonds of the utility authority issued pursuant to this  
926 act shall be authorized by a resolution or resolutions adopted by  
927 a majority affirmative vote of the total membership of the board  
928 of directors of the utility authority. Such bonds may be issued  
929 in series, and each series of such bonds shall bear such date or  
930 dates, mature at such time or times, bear interest at such rate or  
931 rates (not exceeding the maximum rate set out in Section  
932 75-17-103, Mississippi Code of 1972), be in such denomination or





933 denominations, be in such form, carry such conversion privileges,  
934 have such rank or priority, be executed in such manner and by such  
935 officers, be payable from such sources in such medium of payment  
936 at such place or places within or without the state, provided that  
937 one such place shall be within the state, and be subject to such  
938 terms of redemption prior to maturity, all as may be provided by  
939 resolution or resolutions of the board of directors. The term of  
940 such bonds issued pursuant to this act shall not exceed forty (40)  
941 years.

942 (6) Bonds of the utility authority issued pursuant to this  
943 act may be sold at such price or prices, at public or private  
944 sale, in such manner and at such times as may be determined by  
945 such utility authority to be in the public interest, and such  
946 utility authority may pay all expenses, premiums, fees and  
947 commissions which it may deem necessary and advantageous in  
948 connection with the issuance and sale thereof.

949 (7) Any pledge of earnings, revenues or other monies made by  
950 the utility authority shall be valid and binding from the time the  
951 pledge is made. The earnings, revenues or other monies so pledged  
952 and thereafter received by such utility authority shall  
953 immediately be subject to the lien of such pledge without any  
954 physical delivery thereof or further act, and the lien of any such  
955 pledge shall be valid and binding as against all parties having  
956 claims of any kind in tort, contract or otherwise against such  
957 utility authority irrespective of whether such parties have notice



958 thereof. Neither the resolution nor any other instrument by which  
959 a pledge is created need be recorded.

960 (8) Neither the members of the board of directors nor any  
961 person executing the bonds shall be personally liable on the bonds  
962 or be subject to any personal liability or accountability by  
963 reason of the issuance thereof.

964 (9) Proceeds from the sale of bonds of the utility authority  
965 may be invested, pending their use, in such securities as may be  
966 specified in the resolution authorizing the issuance of the bonds  
967 or the trust indenture securing them, and the earnings on such  
968 investments applied as provided in such resolution or trust  
969 indenture.

970 (10) Whenever any bonds shall have been signed by the  
971 officer(s) designated by the resolution of the board of directors  
972 to sign the bonds who were in office at the time of such signing  
973 but who may have ceased to be such officer(s) prior to the sale  
974 and delivery of such bonds, or who may not have been in office on  
975 the date such bonds may bear, the manual or facsimile signatures  
976 of such officer(s) upon such bonds shall nevertheless be valid and  
977 sufficient for all purposes and have the same effect as if the  
978 person so officially executing such bonds had remained in office  
979 until the delivery of the same to the purchaser or had been in  
980 office on the date such bonds may bear.

981 (11) The utility authority has the discretion to advance or  
982 borrow funds needed to satisfy any short-term cash flow demands or



983 deficiencies or to cover start-up costs until such time as  
984 sufficient bonds, assets and revenues have been secured to satisfy  
985 the needs of the utility authority.

986 **SECTION 20.** (1) The utility authority may, by resolution  
987 adopted by its board of directors, issue refunding bonds for the  
988 purpose of paying any of its bonds at or prior to maturity or upon  
989 acceleration or redemption. Refunding bonds may be issued at such  
990 time prior to the maturity or redemption of the refunded bonds as  
991 the board of directors deems to be in the public interest, without  
992 an election on the question of the issuance thereof. The refunding  
993 bonds may be issued in sufficient amounts to pay or provide the  
994 principal of the bonds being refunded, together with any  
995 redemption premium thereon, any interest accrued or to accrue to  
996 the date of payment of such bonds, the expenses of issue of the  
997 refunding bonds, the expenses of redeeming the bonds being  
998 refunded, and such reserves for debt service or other capital or  
999 current expenses from the proceeds of such refunding bonds as may  
1000 be required by the resolution, trust indenture or other security  
1001 instruments. The issue of refunding bonds, the maturities and  
1002 other details thereof, the security therefor, the rights of the  
1003 holders and the rights, duties and obligations of the utility  
1004 authority in respect of the same shall be governed by the  
1005 provisions of this act relating to the issue of bonds other than  
1006 refunding bonds insofar as the same may be applicable. Any such  
1007 refunding may be effected, whether the obligations to be refunded



1008 shall have then matured or shall thereafter mature, either by the  
1009 exchange of the refunding bonds for the obligations to be refunded  
1010 thereby with the consent of the holders of the obligations so to  
1011 be refunded, or by sale of the refunding bonds and the application  
1012 of the proceeds thereof to the payment of the obligations proposed  
1013 to be refunded thereby, and regardless of whether the obligations  
1014 proposed to be refunded shall be payable on the same date or  
1015 different dates or shall be due serially or otherwise.

1016 (2) Borrowing by the utility authority may be made by the  
1017 delivery of interim notes to any person or public agency or  
1018 financial institution by a majority vote of the board of  
1019 directors.

1020 **SECTION 21.** All bonds (other than refunding bonds, interim  
1021 notes and certificates of indebtedness, which may be validated)  
1022 issued pursuant to this act shall be validated as now provided by  
1023 law in Sections 31-13-1 through 31-13-11, Mississippi Code of  
1024 1972; however, notice of such validation proceedings shall be  
1025 addressed to the citizens of the respective public agencies (a)  
1026 which have contracted with the utility authority pursuant to this  
1027 act, and (b) whose contracts and the payments to be made by the  
1028 public agencies thereunder constitute security for the bonds of  
1029 such utility authority proposed to be issued, and that such notice  
1030 shall be published at least once in a newspaper or newspapers  
1031 having a general circulation within the geographical boundaries of  
1032 each of the contracting public agencies to whose citizens the



1033 notice is addressed. Such validation proceedings shall be  
1034 instituted in any chancery courts within the boundaries of the  
1035 utility authority. The validity of the bonds so validated and of  
1036 the contracts and payments to be made by the public agencies  
1037 thereunder constituting security for the bonds shall be forever  
1038 conclusive against the utility authority and the public agencies  
1039 which are parties to said contracts; and the validity of said  
1040 bonds and said contracts and the payments to be made thereunder  
1041 shall never be called in question in any court in this state.

1042 **SECTION 22.** Bonds issued under the provisions of this act  
1043 shall not be deemed to constitute, within the meaning of any  
1044 constitutional or statutory limitation, an indebtedness of the  
1045 utility authority or the state. Such bonds shall be payable  
1046 solely from the revenues or assets of the utility authority  
1047 pledged therefor. Each bond issued under this act shall contain  
1048 on the face thereof a statement to the effect that such utility  
1049 authority, nor the state, shall not be obligated to pay the same  
1050 nor the interest thereon except from the revenues or assets  
1051 pledged therefor.

1052 **SECTION 23.** The utility authority shall have power in  
1053 connection with the issuance of its bonds pursuant to this act to:  
1054 (a) Covenant as to the use of any or all of its  
1055 property, real or personal;  
1056 (b) Redeem the bonds, to covenant for their redemption  
1057 and to provide the terms and conditions thereof;



1058 (c) Covenant to charge rates, fees and charges  
1059 sufficient to meet operating and maintenance expenses, renewals  
1060 and replacements, principal and debt service on bonds, creation  
1061 and maintenance of any reserves required by a bonds resolution,  
1062 trust indenture or other security instrument and to provide for  
1063 any margins or coverages over and above debt service on the bonds  
1064 deemed desirable for the marketability of the bonds;

1065 (d) Covenant and prescribe as to events of default and  
1066 terms and conditions upon which any or all of its bonds shall  
1067 become or may be declared due before maturity, as to the terms and  
1068 conditions upon which such declaration and its consequences may be  
1069 waived and as to the consequences of default and the remedies of  
1070 the registered owners of the bonds;

1071 (e) Covenant as to the mortgage or pledge of or the  
1072 grant of a security interest in any real or personal property and  
1073 all or any part of the revenues from any designated system or any  
1074 part thereof or any revenue-producing contract or contracts made  
1075 by a utility authority with any person to secure the payment of  
1076 bonds, subject to such agreements with the registered owners of  
1077 bonds as may then exist;

1078 (f) Covenant as to the custody, collection, securing,  
1079 investment and payment of any revenues, assets, monies, funds or  
1080 property with respect to which a utility authority may have any  
1081 rights or interest;



1082 (g) Covenant as to the purposes to which the proceeds  
1083 from the sale of any bonds then or thereafter to be issued may be  
1084 applied, and the pledge of such proceeds to secure the payment of  
1085 the bonds;

1086 (h) Covenant as to the limitations on the issuance of  
1087 any additional bonds, the terms upon which additional bonds may be  
1088 issued and secured, and the refunding of outstanding bonds;

1089 (i) Covenant as to the rank or priority of any bonds  
1090 with respect to any lien or security;

1091 (j) Covenant as to the procedure by which the terms of  
1092 any contract with or for the benefit of the registered owners of  
1093 bonds may be amended or abrogated, the amount of bonds the  
1094 registered owners of which must consent thereto, and the manner in  
1095 which such consent may be given;

1096 (k) Covenant as to the custody of any of its  
1097 properties or investments, the safekeeping thereof, the insurance  
1098 to be carried thereon, and the use and disposition of insurance  
1099 proceeds;

1100 (l) Covenant as to the vesting in a trustee or  
1101 trustees, within or outside the state, of such properties, rights,  
1102 powers and duties in trust as such utility authority may  
1103 determine;

1104 (m) Covenant as to the appointing and providing for the  
1105 duties and obligations of a paying agent or paying agents or other  
1106 fiduciaries within or outside the state;





1107 (n) Make all other covenants and to do any and all such  
1108 acts and things as may be necessary or convenient or desirable in  
1109 order to secure its bonds, or in the absolute discretion of the  
1110 utility authority tend to make the bonds more marketable,  
1111 notwithstanding that such covenants, acts or things may not be  
1112 enumerated herein; it being the intention hereof to give any  
1113 utility authority power to do all things in the issuance of bonds  
1114 and in the provisions for security thereof which are not  
1115 inconsistent with the Constitution of the state; and

1116 (o) Execute all instruments necessary or convenient in  
1117 the exercise of the powers herein granted or in the performance of  
1118 covenants or duties, which may contain such covenants and  
1119 provisions, as any purchaser of the bonds of the utility authority  
1120 may reasonably require.

1121 **SECTION 24.** The utility authority may, in any authorizing  
1122 resolution of the board of directors, trust indenture or other  
1123 security instrument relating to its bonds issued pursuant to this  
1124 act, provide for the appointment of a trustee who shall have such  
1125 powers as are provided therein to represent the registered owners  
1126 of any issue of bonds in the enforcement or protection of their  
1127 rights under any such resolution, trust indenture or security  
1128 instrument. The utility authority may also provide in such  
1129 resolution, trust indenture or other security instrument that the  
1130 trustee, or in the event that the trustee so appointed shall fail  
1131 or decline to so protect and enforce such registered owners'





1132 rights then such percentage of registered owners as shall be set  
1133 forth in, and subject to the provisions of, such resolution, trust  
1134 indenture or other security interest, may petition the court of  
1135 proper jurisdiction for the appointment of a receiver of the  
1136 utility authority's systems, the revenues of which are pledged to  
1137 the payment of the principal of and interest on the bonds of such  
1138 registered owners. Such receiver may exercise any power as may be  
1139 granted in any such resolution, trust indenture or security  
1140 instrument to enter upon and take possession of, acquire,  
1141 construct or reconstruct or operate and maintain such system, fix  
1142 charges for services of the system and enforce collection thereof,  
1143 and receive all revenues derived from such system or facilities  
1144 and perform the public duties and carry out the contracts and  
1145 obligations of such utility authority in the same manner as such  
1146 utility authority itself might do, all under the direction of such  
1147 court.

1148 **SECTION 25.** (1) The exercise of the powers granted by this  
1149 act will be in all respects for the benefit of the people of the  
1150 state, for their well-being and prosperity and for the improvement  
1151 of their social and economic conditions, and the utility authority  
1152 shall not be required to pay any tax or assessment on any property  
1153 owned by the utility authority under the provisions of this act or  
1154 upon the income therefrom; nor shall the utility authority be  
1155 required to pay any recording fee or transfer tax of any kind on  
1156 account of instruments recorded by it or on its behalf.



1157 (2) Any bonds issued by the utility authority under and  
1158 pursuant to the provisions of this act, their transfer and the  
1159 income therefrom shall at all times be free from taxation by the  
1160 state or any local unit or political subdivision or other  
1161 instrumentality of the state, excepting inheritance and gift  
1162 taxes.

1163 **SECTION 26.** All bonds issued under the provisions of this  
1164 act shall be legal investments for trustees, other fiduciaries,  
1165 savings banks, trust companies and insurance companies organized  
1166 under the laws of the State of Mississippi; and such bonds shall  
1167 be legal securities which may be deposited with and shall be  
1168 received by all public officers and bodies of the state and all  
1169 municipalities and other political subdivisions thereof for the  
1170 purpose of securing the deposit of public funds.

1171 **SECTION 27.** The state hereby covenants with the registered  
1172 owners of any bonds of any utility authority that so long as the  
1173 bonds are outstanding and unpaid the state will not limit or alter  
1174 the rights and powers of any utility authority under this act to  
1175 conduct the activities referred to herein in any way pertinent to  
1176 the interests of the bondholders, including, without limitation,  
1177 such utility authority's right to charge and collect rates, fees,  
1178 assessments and charges and to fulfill the terms of any covenants  
1179 made with the registered owners of the bonds, or in any other way  
1180 impair the rights and remedies of the registered owners of the  
1181 bonds, unless provision for full payment of such bonds, by escrow



1182 or otherwise, has been made pursuant to the terms of the bonds or  
1183 the resolution, trust indenture or security interest securing the  
1184 bonds.

1185 **SECTION 28.** For the purposes of satisfying any temporary  
1186 cash flow demands and deficiencies, and to maintain a working  
1187 balance for the utility authority, the county, municipalities or  
1188 public agencies within the geographic boundaries of the utility  
1189 authority, or other persons, subject to their lawful authority to  
1190 do so, are authorized to advance, at any time, such funds which,  
1191 in its discretion, are necessary, or borrow such funds by issuance  
1192 of notes, for initial capital contribution and to cover start-up  
1193 costs until such times as sufficient bonds, assets and revenues  
1194 have been secured to satisfy the needs of the utility authority  
1195 for its management, operation and formation. To this end, the  
1196 county, municipality, public agency or person, subject to their  
1197 lawful authority to do so, shall advance such funds, or borrow  
1198 such funds by issuance of notes, under such terms and conditions  
1199 as may be provided by resolution of the governing body, or other  
1200 persons as defined in this act, subject to their lawful authority  
1201 to do so, except that each such resolution shall state:  
1202 (a) The need for the proceeds advanced or borrowed;  
1203 (b) The amount to be advanced or the amount to be  
1204 borrowed;



1205 (c) The maximum principal amount of any note issued the  
1206 interest rate or maximum interest rate to be incurred, and the  
1207 maturity date of said note;

1208 (d) In addition, the governing body, or other persons  
1209 as defined in this act, subject to their lawful authority to do  
1210 so, may arrange for lines of credit with any bank, firm or person  
1211 for the purpose of providing an additional source of repayment for  
1212 notes issued pursuant to this section. Amounts drawn on a line of  
1213 credit may be evidenced by negotiable or nonnegotiable notes or  
1214 other evidences of indebtedness and contain such terms and  
1215 conditions as the governing body, or other persons as defined in  
1216 this act, subject to their lawful authority to do so, may  
1217 authorize in the resolution approving the same;

1218 (e) The governing body of the county, municipalities or  
1219 other persons as defined in this act, subject to their lawful  
1220 authority to do so, may authorize the repayment of such advances,  
1221 notes, lines of credit and other debt incurred under this section,  
1222 along with all costs associated with the same, including, but not  
1223 limited to, rating agency fees, printing costs, legal fees, bank  
1224 or trust company fees, line of credit fees and other charges to be  
1225 reimbursed by the utility authority under such terms and  
1226 conditions as are reasonable and are to be provided for by  
1227 resolution of the governing body, or terms agreed upon with other  
1228 persons as defined in this act, subject to their lawful authority  
1229 to do so;



1230

(f) In addition, the governing body of the county,  
municipality or public agency may lease or donate office space and  
equipment to the utility authority under such terms and conditions  
as are reasonable and are to be provided for by resolution of the  
governing body, or terms agreed upon by the utility authority.

**SECTION 29.**

This act being necessary for the welfare of the  
state and its inhabitants shall be liberally construed to effect  
the purposes thereof. If any section, provision, paragraph,  
sentence, phrase, or word of this act shall be held invalid by any  
court of competent jurisdiction, the remainder of this act shall  
not be affected thereby.

**SECTION 30.**

Sections 1 through 29 of this act shall be  
codified in Title 77, Mississippi Code of 1972.

**SECTION 31.**

This act shall take effect and be in force from  
and after July 1, 2023.

Mississippi State Senate  
2023 Regular Session

YEAS AND NAYS On S. B. No. 2889. On motion of Senator Parker, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:

Yeas--Barrett, Blackwell, Boyd, Branning, Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Harkins, Hill, Johnson, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Parker, Polk, Seymour, Sojourner, Sparks, Suber, Tate, Thompson, Whaley, Wiggins, Williams, Younger. Total--34.

Nays--Barnett, Blackmon, Blount, Butler A. (36th), Butler K. (38th), Frazier, Hickman, Horhn, Jackson, Jordan, Norwood, Simmons D. T. (12th), Simmons S. (13th), Thomas, Turner-Ford. Total--15.

Absent and those not voting--Bryan, Hopson, Parks. Total--3.

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**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2889**

**BY: Senator(s) Parker**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

8        **SECTION 1.** This act shall be known and may be cited as the  
9        "Mississippi Capitol Region Utility Act."

10       **SECTION 2.** (1) The Mississippi Legislature finds the  
11       following:

12                (a) For the benefit of the citizens centrally located  
13       in the State of Mississippi, including citizens residing or  
14       working in the capital city of the State of Mississippi, it is  
15       essential to have access to safe, clean and reliable water,  
16       wastewater and storm water systems at affordable, regulated rates



17 which are just, reasonable and provide an adequate amount of  
18 capital to keep such systems in good repair;

19 (b) The availability of safe, clean and reliable water,  
20 wastewater and storm water has vast impacts on health, schools and  
21 academic outcomes, crime and safety, state and local government  
22 operations, businesses and economic development, the availability  
23 of a workforce, tourism and many other critical areas;

24 (c) The availability of safe, clean and reliable water,  
25 wastewater and storm water systems requires significant financial  
26 resources and human capital to engage in the planning,  
27 acquisition, construction, maintenance, coordination and operation  
28 required to deliver transparent and efficient services which meet  
29 and exceed federal and state regulations and requirements;

30 (d) On November 29, 2022, the Department of Justice  
31 filed a complaint alleging that the City of Jackson has failed to  
32 provide drinking water that is reliably compliant with the Safe  
33 Drinking Water Act to citizens within the boundaries of the water  
34 system. The Department of Justice simultaneously filed a proposal  
35 which would appoint a receiver, or an interim third-party manager,  
36 to stabilize the City of Jackson's public drinking water system  
37 and build confidence in the water system's ability to supply safe,  
38 clean and reliable water to citizens within the boundaries of the  
39 water system. The U.S. District Court for the Southern District  
40 of Mississippi appointed a receiver to oversee and operate the  
41 water system on November 29, 2022.





42 (e) The receiver appointed by the U.S. District Court  
43 for the Southern District of Mississippi provided in his January  
44 27, 2023, plan for the water system that he would like a concept  
45 for future governance in place by September 30, 2023, and a  
46 utility authority or corporate nonprofit entity are viable options  
47 for the concept of future governance;

48 (f) The creation and organization of a structure for  
49 future governance requires legislation for it to continue in  
50 perpetuity beyond the eventual end of the receiver's work and  
51 related federal court orders; and

52 (g) The creation and organization of a structure for  
53 future governance prior to the date of the conclusion of the  
54 receiver's work will allow the best opportunity for minimal  
55 disruption in water, wastewater and storm water service and  
56 maximum ease of transition after the receiver has concluded his  
57 work in overseeing and operating the water system.

58 (2) Therefore, it is the intent of the Mississippi  
59 Legislature to:

60 (a) Provide authority to the Mississippi Capitol Region  
61 Utility Authority to transfer water, wastewater and storm water  
62 services provided by the City of Jackson to the utility  
63 authority's ownership, management and control when the  
64 court-appointed receiver's work concludes with the water system to  
65 ensure all citizens have access to safe, clean and reliable water,  
66 wastewater and storm water systems at affordable, regulated rates



67 which are just, reasonable and provide an adequate amount of  
68 capital to keep such systems in good repair; and

69 (b) Partner with the Mississippi Department of Health,  
70 Mississippi Department of Environmental Quality, local  
71 governments, including the City of Jackson, within the boundaries  
72 of the utility district, and any other federal, state or local  
73 entity in taking any action necessary under this act to ensure all  
74 citizens have access to safe, clean and reliable water, wastewater  
75 and storm water systems, with the understanding that federal and  
76 state agencies are solely responsible for regulating, but not  
77 operating, the utility authority.

78 **SECTION 3.** As used in this act, the following words and  
79 phrases have the meanings ascribed herein, unless the context  
80 clearly indicates otherwise:-

81 (a) "Act" means the Mississippi Capitol Region Utility  
82 Act.

83 (b) "Board" means the Board of Directors of the  
84 Mississippi Capitol Region Utility Authority.

85 (c) "Bonds" means revenue bonds and other certificates  
86 of indebtedness of the authority issued under the provisions of  
87 this act.

88 (d) "Fiscal year" means the period of time beginning on  
89 July 1 of each year and ending on June 30 of each year.

90 (e) "Major procurement" means the procurement of any  
91 good or service in excess of One Million Dollars (\$1,000,000.00).

92 (f) "Municipality" means any incorporated city, town or  
93 village of the State of Mississippi, whether operating under  
94 general law or special charter.

95 (g) "Person" means the State of Mississippi, a county,  
96 a municipality, any state agency or any other city, town, village  
97 or political subdivision or governmental agency or instrumentality  
98 of the State of Mississippi or of the United States of America, or  
99 any private utility, individual, copartnership, association, firm,  
100 trust, estate or any other entity whatsoever.

101 (h) "Project" means the construction, development or  
102 acquisition by the utility authority of any infrastructure for  
103 water, wastewater and storm water systems or services and includes  
104 upgrading or repair of existing systems.

105 (i) "Public agency" means any county, municipality,  
106 state board or utility authority owning or operating properties,  
107 districts created pursuant to the general laws or local and  
108 private laws of the State of Mississippi, or any other political  
109 subdivision of the State of Mississippi possessing the power to  
110 own and operate waterworks, water supply systems, sewerage  
111 systems, sewage treatment systems or other facilities or systems  
112 for the collection, transportation and treatment of water,  
113 wastewater, and storm water.

114 (j) "Receiver" means the interim third-party manager  
115 for the water system owned by the City of Jackson who was  
116 appointed by the U.S. District Court for the Southern District of



117 Mississippi on November 29, 2022, to oversee and operate the water  
118 system during the negotiation of a consent decree related to  
119 compliance with the Safe Drinking Water Act and other laws.

120 (k) "Storm water" means any flow occurring during or  
121 following any form of natural precipitation and resulting from  
122 that precipitation.

123 (l) "System" or "systems" means any plants, structures,  
124 facilities and other real and personal property used or useful in  
125 the generation, storage, transportation or supply of water, and  
126 the collection, transportation, treatment or disposal of  
127 wastewater and storm water, including tanks, lakes, streams,  
128 ponds, pipes, trunk lines, mains, sewers, conduits, pipelines,  
129 pumping and ventilating stations, plants, works, connections and  
130 any other real or personal property and rights therein necessary,  
131 useful or convenient for the purposes of the utility board or  
132 authorities in connection therewith.

133 (m) "Utility authority" shall mean the Mississippi  
134 Capitol Region Utility Authority.

135 (n) "Wastewater" means water being disposed of by any  
136 person and which is contaminated with waste or sewage, including  
137 industrial, municipal, and any other wastewater that may cause  
138 impairment of the quality of waters in the state.

139 (o) "Water" means potable water, surface water and  
140 groundwater.



**SECTION 4.**

(1) There is hereby created and established a corporate nonprofit known as the Mississippi Capitol Region Utility Authority. The authority will be composed of geographic areas receiving water, wastewater and storm water services from the City of Jackson as of the date of enactment of this act for the planning, acquisition, construction, maintenance, operation and coordination of water, wastewater and storm water systems in order to ensure the delivery of water, wastewater and storm water services to citizens. Such utility authority is created solely to accomplish the purposes of the State under this act and the exercise by the utility authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function promoting the health, welfare and prosperity of the general public. It is the intent of the Legislature that the utility authority shall be accountable to ratepayers within the systems through the audits, reports and disclosures required by this act.

(2) The existence of the corporate nonprofit utility authority, which shall be domiciled in the State of Mississippi, shall begin upon the appointment of a majority of its board as provided in Section 5 of this act.

(3) The utility authority shall assume ownership, management and control over the water, wastewater and storm water systems on the date of termination of the receiver by the U.S. District Court for the Southern District of Mississippi.



166 (4) In the event of any action or matter against the utility  
167 authority, the Chief Justice of the Mississippi Supreme Court  
168 shall select an appropriate Circuit or Chancery Court, which shall  
169 have exclusive jurisdiction over the matter. For purposes of  
170 court costs, the utility authority shall be a private corporation.

171 (5) All funds provided by the federal government in H.R.  
172 2617, the Consolidated Appropriations Act of 2023, and any other  
173 funds provided by the state or federal government in response to  
174 the water crisis detailed by the U.S. District Court for the  
175 Southern District of Mississippi in Case No. 3:22-cv-00686, *United*  
176 *States v. City of Jackson*, shall be spent according to the  
177 direction of the receiver and federal court within the service  
178 territory impacted by the water crisis and in accordance with  
179 federal law.

180 **SECTION 5.** (1) The affairs of the utility authority shall  
181 be administered by the Mississippi Capitol Region Utility  
182 Authority Board of Directors. The board shall be composed of nine  
183 (9) members to be selected as follows: the Mayor of the City of  
184 Jackson, with the advice and consent of the Senate, shall appoint  
185 four (4) members. The Governor, with the advice and consent of  
186 the Senate, shall appoint three (3) members. The Governor shall  
187 consult with the City of Byram to appoint one (1) of the three (3)  
188 appointments, so long as the City of Byram is included within the  
189 boundaries of the systems. The Lieutenant Governor, with the  
190 advice and consent of the Senate, shall appoint two (2) members.



191 The Lieutenant Governor shall consult with the Mayor of the City  
192 of Ridgeland to appoint one (1) of their two (2) appointments, so  
193 long as the City of Ridgeland is included within the boundaries of  
194 the systems. All members shall be appointed within sixty (60)  
195 days of the enactment of this act.

196 In the appointment process, appointing authorities shall  
197 attempt to see that all portions of society and its diversity are  
198 represented in members of the utility authority. All appointed  
199 members must be residents of the State of Mississippi, must be  
200 ratepayers within the system boundaries, and must have  
201 significant, demonstrated experience in business management,  
202 fiscal affairs, public health or public utilities.

203 (2) The initial terms of the board of directors shall be as  
204 follows: One (1) member appointed by the Mayor of the City of  
205 Jackson shall serve for an initial term of four (4) years. One  
206 (1) member appointed by the Mayor of the City of Jackson shall  
207 serve for an initial term of three (3) years. One (1) member  
208 appointed by the Mayor of the City of Jackson shall serve for an  
209 initial term of two (2) years. One (1) member appointed by the  
210 Mayor of the City of Jackson shall serve for an initial term of  
211 one (1) year. The Governor shall appoint one (1) member for a  
212 term of four (4) years, one (1) member for a term of three (3)  
213 years, and one (1) member for a term of two (2) years. The  
214 Lieutenant Governor shall appoint one (1) member for a term of  
215 four (4) years and one (1) member for a term of three (3) years.



216           (3) Except as provided in Subsection 2 of this section,  
217 appointments shall be for a term of four (4) years. Each member  
218 shall hold office until his successor has been appointed and  
219 qualified. Vacancies shall be filled by appointment by the  
220 appropriate appointing authority, subject to the advice and  
221 consent of the Senate, for the length of the unexpired term only.  
222 Any member of the utility authority shall be eligible for  
223 reappointment for a maximum of two (2) full terms. Each member of  
224 the utility authority shall, before entering upon his duty, take  
225 an oath of office to administer the duties of his office  
226 faithfully and impartially, and a record of such oath shall be  
227 filed in the Office of the Secretary of State. The utility  
228 authority shall annually elect from its membership a chairman and  
229 vice chairman who shall be eligible for reelection. The utility  
230 authority shall also elect or appoint, and prescribe the duties  
231 of, such other officers, who need not be members, as the utility  
232 authority deems necessary or advisable and the utility authority  
233 shall fix the compensation of such officers. The utility  
234 authority may delegate to one or more of its members, officers,  
235 employees or agents such powers and duties as it may deem proper,  
236 not inconsistent with this article or other provisions of law.  
237           (4) The members of the utility authority shall serve without  
238 salary, but shall be entitled to receive per diem pay as provided  
239 in Section 25-3-69, plus travel and necessary expenses, including  
240 mileage, as provided in Section 25-3-41, incurred while in the





241 performance of his or her duties as a member of the board of  
242 directors of the utility authority upon authorization by the  
243 board. Expenses shall be paid from the available funds of the  
244 utility authority after the utility authority assumes ownership,  
245 management and control of the water, wastewater and storm systems  
246 as provided in this act. Until the date the utility authority  
247 assumes ownership, management and control of the water, wastewater  
248 and stormwater systems as provided in this act, expenses shall be  
249 paid by the State of Mississippi.

250 (5) All meetings of the board shall be subject to the Open  
251 Meetings Act in Section 25-41-1 et seq. The chairman or a  
252 majority of members of the utility authority may convene the board  
253 for a meeting.

254 (6) Except as may be provided by law, all records of the  
255 utility authority shall be deemed public records and subject to  
256 public inspection as provided by Section 25-61-1 et seq.

257 (7) The board may by majority vote excuse the absence of any  
258 member of the board. In the event that any member of the board is  
259 absent for two (2) board meetings in a twelve-month period without  
260 such absences being excused by the board, his or her membership on  
261 the board shall be terminated as a function of law, without any  
262 action by the board, and the removed member of the board shall be  
263 ineligible for reappointment to the board. The original  
264 appointing authority shall retain their right to appoint a new  
265 board member to replace the removed board member.



266 (8) No employee of the utility authority shall be a member  
267 of the board.

268 (9) Until such time that the utility district assumes  
269 ownership, management, and control of the water, wastewater and  
270 storm water systems, the board shall cooperate and coordinate with  
271 the receiver in order to provide the best opportunity for minimal  
272 disruption in service and maximum ease of transition after the  
273 receiver has concluded his work in overseeing and operating the  
274 water system.

275 **SECTION 6.** (1) The utility authority shall consult with the  
276 receiver and the City of Jackson in appointing a president by  
277 January 1, 2024, who shall serve at the will and pleasure of the  
278 board. If the utility authority does not have ownership,  
279 management, and control of the water, wastewater and storm water  
280 systems by the date of the appointment of a president, the State  
281 of Mississippi shall pay the salary of the president on a  
282 bimonthly basis. The president shall manage the daily affairs of  
283 the utility authority and shall have such powers and duties as  
284 specified by this act, by the board, and any rules or regulations  
285 adopted by the board. The president shall not be a member of the  
286 board. The president shall serve at the will and pleasure of the  
287 board.

288 (2) Until such time that the utility district assumes  
289 ownership, management, and control of the water, wastewater and  
290 storm water systems, the president shall cooperate and coordinate



291 with the receiver in order to provide the best opportunity for  
292 minimal disruption in service and maximum ease of transition after  
293 the receiver has concluded his work in overseeing and operating  
294 the water system.

295 (3) The president shall employ such personnel as he or she  
296 deems necessary. All personnel shall serve at the will and  
297 pleasure of the president, unless otherwise specified by the  
298 president.

299 (4) The board shall set the salary of the president at such  
300 level as is necessary to recruit and retain a qualified  
301 professional with the expertise necessary in a public utility.  
302 The board may authorize whatsoever incentive compensation program  
303 for the president and utility authority staff as it deems  
304 necessary and proper. The utility authority shall be exempt from  
305 the provisions of Section 25-3-39.

306 **SECTION 7.** (1) The utility authority shall have the power,  
307 duty and responsibility to exercise general supervision over the  
308 design, construction, operation and maintenance of water,  
309 wastewater and storm water systems.

310 (2) The utility authority shall adopt rules and regulations  
311 regarding the design, construction or installation, operation and  
312 maintenance of water, wastewater and storm water systems.

313 (3) The utility authority shall adopt rules and regulations  
314 regarding the use of decentralized treatment systems, individual



315 on-site wastewater treatment systems and centralized wastewater  
316 treatment systems.

317 (4) The utility authority shall adopt rules establishing  
318 performance standards for water, wastewater and storm water  
319 systems and the operation and maintenance of the same. Such rules  
320 and regulations shall include the implementation of a standard  
321 application form for the installation, operation and maintenance  
322 of such systems; application review; approval or denial procedures  
323 for any proposed system; inspection, monitoring and reporting  
324 guidelines; and enforcement procedures.

325 (5) (a) Before a building or development which requires the  
326 installation of a water, wastewater or storm water system is  
327 constructed, the system must be submitted to the utility authority  
328 for certification that the system complies with the utility  
329 authority requirements for such system.

330 (b) Before approving or renewing a water, wastewater or  
331 storm water related permit for a system within a utility  
332 authority, the state agency must require certification that the  
333 system complies with the requirements of the utility authority.

334 (6) Any system of any municipality, public agency or other  
335 persons which contracts with a utility authority shall be subject  
336 to the terms of that contract and the terms of this act.

337 (7) Notwithstanding the provisions of Section 51-39-1 et  
338 seq., the utility authority shall have the full power to adopt  
339 rules and regulations and to construct, maintain, lease and



340 operate facilities for the control of storm water quality and  
341 quantity. In addition, the provisions of Section 51-33-1 relating  
342 to drainage districts and flood control districts do not apply to  
343 the utility authority.

344 (8) The utility authority may control and operate the local  
345 retail water, wastewater or storm water services and may provide  
346 or be responsible for direct servicing of those services to  
347 residences, businesses and individuals; however, the utility  
348 authority shall not provide the same service in an area provided  
349 by a public utility or person holding a certificate of public  
350 convenience and necessity issued by the Mississippi Public Service  
351 Commission for the provision of such services in the certificated  
352 area.

353 (9) The utility authority shall enter into contracts for  
354 major procurements after bidding. The utility authority may adopt  
355 administrative rules and regulations pursuant to the provisions of  
356 this act providing for special procedures whereby the utility  
357 authority may make any class of procurement.

358 (10) In its bidding processes, the utility authority may do  
359 its own bidding and procurement or may utilize the services of the  
360 Department of Finance and Administration, the Department of  
361 Information Technology Services or other state agencies as  
362 appropriate and necessary.

363 (11) The utility authority shall only have oversight or  
364 control of wastewater service provided to ratepayers in the City



365 of Ridgeland, which is only served by the wastewater system as of  
366 the effective date of this act. To maintain consistency with the  
367 agreement in place with the City of Jackson prior to the existence  
368 of the utility authority, the City of Ridgeland shall have control  
369 over its rate structure, with the City of Ridgeland compensating  
370 the utility authority for its prorated share of wastewater  
371 conveyance, treatment, capital improvements and debt service.

372 **SECTION 8.** (1) The utility authority, in addition to any  
373 other powers granted under any other provision of law is  
374 authorized:

375 (a) To acquire, construct, improve, enlarge, extend,  
376 repair, operate and maintain one or more of its systems used for  
377 the collection, transportation, treatment and disposal of water,  
378 wastewater and storm water;

379 (b) To make contracts with any person in furtherance  
380 thereof; and to make contracts with any person, under the terms of  
381 which the utility authority will collect, transport, treat or  
382 dispose of water, wastewater and storm water for such person, and  
383 to cancel any contracts existing as of the date of enactment of  
384 this act;

385 (c) To make contracts with any person to design and  
386 construct any water, wastewater and storm water systems or  
387 facilities, and thereafter to purchase, lease or sell, by  
388 installments over such terms as may be deemed desirable,



389 reasonable and necessary, or otherwise, any such system or  
390 systems;

391 (d) To enter into operating agreements with any person,  
392 for such terms and upon such conditions as may be deemed  
393 desirable, for the operation of any water, wastewater and storm  
394 water systems; and the utility authority may lease to or from any  
395 person, for such term and upon such conditions as may be deemed  
396 desirable, any water, wastewater and storm water collection,  
397 transportation, treatment or its other facilities or systems. Any  
398 such contract may contain provisions requiring any public agency  
399 or other person to regulate the quality and strength of materials  
400 to be handled by the respective system or systems and also may  
401 provide that the utility authority shall have the right to use any  
402 streets, alleys and public ways and places within the jurisdiction  
403 of a public agency or other person during the term of the  
404 contract;

405 (e) To enter into contracts with any person or any  
406 public agency, including, but not limited to, contracts authorized  
407 by this act, in furtherance of any of the purposes authorized  
408 under this act upon such consideration as the board of directors  
409 and such person may agree. Any such contract may extend over any  
410 period of time, notwithstanding any provision or rule of law to  
411 the contrary; may be upon such terms and for such consideration,  
412 nominal or otherwise, as the parties thereto shall agree; and may  
413 provide that it shall continue in effect until bonds specified



414 therein, refunding bonds issued in lieu of such bonds, and all  
415 other obligations specified therein are paid or terminated. Any  
416 such contract shall be binding upon the parties thereto according  
417 to its terms;

418 (f) To sue and be sued, in its own name, and to enjoy  
419 all of the protections, immunities and benefits provided by the  
420 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be  
421 amended or supplemented from time to time;

422 (g) To maintain office space at such place or places  
423 within the utility authority's boundaries as it may determine;

424 (h) To invest money of the utility authority, including  
425 proceeds from the sale of any bonds subject to any agreements with  
426 bondholders, on such terms and in such manner as the utility  
427 authority deems proper;

428 (i) To pay any outstanding City of Jackson bonds  
429 relating to the water and sewer systems under their existing  
430 terms;

431 (j) To require the necessary relocation or rerouting of  
432 roads and highways, railroad, telephone and telegraph lines, and  
433 properties, electric power lines, gas pipelines and related  
434 facilities, or to require the anchoring or other protection of any  
435 of these, provided fair compensation is first paid to the owners  
436 or an agreement with such owners regarding the payment of the cost  
437 of such relocation, and to acquire easements or rights-of-way for  
438 such relocation or rerouting and to convey the same to the owners





439 of the property being relocated or rerouted in connection with the  
440 purposes of this act. This provision shall be in accordance with  
441 Mississippi Constitution Article 17A, Section 11-27-30, and House  
442 Bill No. 1769 as passed during the 2022 Legislative Session;

443 (k) To acquire, construct, improve or modify, to  
444 operate or cause to be operated and maintained, either as owner of  
445 all or of any part in common with others, any water, wastewater or  
446 storm water system within the utility authority's service area.  
447 The utility authority may pay all or part of the cost of any  
448 system from any contribution by persons, firms, public agencies or  
449 corporations. The utility authority may receive, accept and use  
450 all funds, public or private, and pay all costs of the  
451 development, implementation and maintenance as may be determined  
452 as necessary for any project;

453 (l) To acquire, in its own name, by purchase on any  
454 terms and conditions and in any manner as it may deem proper,  
455 property for public use, or by gift, grant, lease, or otherwise,  
456 real property or easements therein, franchises and personal  
457 property necessary or convenient for its corporate purposes. This  
458 provision shall be in accordance with Mississippi Constitution  
459 Article 17A, Section 11-27-30, and House Bill No. 1769 as passed  
460 during the 2022 Legislative Session;

461 (m) To acquire insurance for the utility authority's  
462 systems, facilities, buildings, treatment plants and all property,



463 real or personal, to insure against all risks as any insurance  
464 may, from time to time, be available;

465 (n) To use any property and rent or lease any property  
466 to or from others, including public agencies, or make contracts  
467 for the use of the property. The utility authority may sell,  
468 lease, exchange, transfer, assign, pledge, mortgage or grant a  
469 security interest for any property. The powers to acquire, use  
470 and dispose of property as set forth in this paragraph shall  
471 include the power to acquire, use and dispose of any interest in  
472 that property, whether divided or undivided. Title to any  
473 property of the utility authority shall be held by the utility  
474 authority exclusively for the benefit of the public;

475 (o) To apply, contract for, accept, receive and  
476 administer gifts, grants, appropriations and donations of money,  
477 materials and property of any kind, including loans and grants  
478 from the United States, the state, a unit of local government, or  
479 any agency, department, district or instrumentality of any of the  
480 foregoing, upon any terms and conditions as the United States, the  
481 state, a unit of local government, or any agency, department,  
482 district or instrumentality shall impose. The utility authority  
483 may administer trusts. The utility authority may sell, lease,  
484 transfer, convey, appropriate and pledge any and all of its  
485 property and assets;

486 (p) To make and enforce, and from time to time amend  
487 and repeal, bylaws, rules, ordinances and regulations for the



488 management of its business and affairs and for the construction,  
489 use, maintenance and operation of any of the systems under its  
490 management and control;

491 (q) To employ and terminate staff and other personnel,  
492 including attorneys, engineers and consultants as may be necessary  
493 to the functioning of the utility authority;

494 (r) To establish and maintain rates, fees and any other  
495 charges for services and the use of systems and facilities within  
496 the control of the utility authority, and from time to time, to  
497 adjust such rates, fees and any other charges to the end that the  
498 revenues therefrom will be sufficient at all times to pay the  
499 expenses of operating and maintaining of the facilities and  
500 treatment systems and all of the persons' obligations under any  
501 contract or bonds resolution with respect thereto or any  
502 obligation of any person under any agreement, contract, indenture  
503 or bonds resolution with respect thereto. Such rates, fees,  
504 assessments and any other charges shall be subject to the  
505 jurisdiction of the Mississippi Public Service Commission. Such  
506 rates, fees, assessments or any other charges shall be equal as  
507 levied on citizens throughout the utility authority's boundaries.  
508 For purposes of Section 77-3-33, the rates charged by the utility  
509 authority shall be just and reasonable if they are adequate to  
510 provide safe and reliable water, wastewater and storm water  
511 service to its customers, including providing an adequate amount  
512 of capital for the utility authority to perform such repairs,



513 upgrades and improvements as it deems necessary on an ongoing  
514 basis. The Mississippi Public Service Commission shall defer to  
515 the utility authority's determination of what rates are just and  
516 reasonable absent a showing of manifest error;

517 (s) To adopt rules and regulations necessary to  
518 accomplish the purposes of the utility authority and to assure the  
519 payment of each participating person or public agency of its  
520 proportionate share of the costs for use of any of the systems and  
521 facilities of the utility authority and for the utility  
522 authority's proportionate share of the costs of the board;

523 (t) To enter on public or private lands, waters or  
524 premises for the purpose of making surveys, borings or soundings,  
525 or conducting tests, examinations or inspections for the purposes  
526 of the authority, subject to responsibility for any damage done to  
527 property entered;

528 (u) To accept industrial wastewater from within the  
529 boundaries of the utility authority for treatment and to require  
530 the pretreatment of same when, in the opinion of the utility  
531 authority, such pretreatment is necessary;

532 (v) To control and operate local retail water,  
533 wastewater and storm water services, and may provide or be  
534 responsible for direct servicing of those services to residences,  
535 businesses and individuals; however, the utility authority shall  
536 not provide the same services in an area provided by a public  
537 utility or person holding a certificate of public convenience and



538 necessity issued by the Mississippi Public Service Commission for  
539 the provision of such services in the certificated area;

540 (w) To assume control and administer, within the  
541 utility authority's jurisdiction, any water, wastewater or storm  
542 water system or systems by agreement or contract with any person  
543 if the person providing such services requests to be relieved of  
544 that responsibility. However, the person may maintain control  
545 over connections in their service areas and may charge rates, fees  
546 and any other charges in addition to the rates, fees and any  
547 charges of the utility authority;

548 (x) To acquire property designated by plan to  
549 sufficiently accommodate the location of water, wastewater or  
550 storm water systems and such requirements related directly thereto  
551 pursuant to the provisions of Title 11, Chapter 27, Mississippi  
552 Code of 1972. The utility authority may acquire property  
553 necessary for any system and the exercise of the powers, rights  
554 and duties conferred upon the utility authority by this act. No  
555 person owning the drilling rights or the right to share in  
556 production shall be prevented from exploring, developing or  
557 producing oil or gas with necessary rights-of-way for ingress and  
558 egress, pipelines and other means of transporting such interests  
559 on any lands or interest of the utility authority held or used for  
560 the purposes of this act, but any such activities shall be subject  
561 to reasonable regulations by the board of directors that will  
562 adequately protect the systems or projects of the utility



563 authority. This provision shall be in accordance with Mississippi  
564 Constitution Article 17A and House Bill No. 1769 as passed during  
565 the 2022 Legislative Session;

566 (y) To use any legally available funds to acquire,  
567 rebuild, operate and maintain any existing water, wastewater or  
568 storm water systems owned or operated by any person;

569 (z) To refuse to receive water, wastewater or storm  
570 water from any public agency or person, except with regard to  
571 municipalities or other areas within the service territory of the  
572 systems as of the effective date of this act;

573 (aa) So long as any indebtedness on the systems of the  
574 utility authority remains outstanding, to require a member public  
575 agency, or other person, that all water, wastewater and storm  
576 water within the boundaries of the respective utility authority be  
577 disposed of through the appropriate treatment system to the extent  
578 that the same may be available, but no public agency shall be  
579 precluded from constructing, operating and maintaining its own  
580 such system after the current indebtedness owing on the system as  
581 of the date of enactment of this act, is paid in full; and

582 (bb) To adopt a seal and a symbol, and hold patents,  
583 copyrights, trademarks, and service marks and enforce its rights  
584 with respect thereto.

585 (3) The utility authority shall:

586 (a) Submit annual reports to the Governor, Lieutenant  
587 Governor, Speaker of the House of Representatives, State Auditor,



588 Joint Legislative Committee on Performance Evaluation and  
589 Expenditure Review and the governing authorities of any  
590 municipality whose citizens are within the utility authority's  
591 boundaries regarding the water quality and financial conditions of  
592 such system or systems, as well as a schedule of currently planned  
593 repairs, upgrades or improvements planned by the utility  
594 authority;

595           (b) Immediately submit to the Governor, Lieutenant  
596 Governor, Speaker of the House of Representatives and the  
597 governing authorities of any municipality whose citizens are  
598 within the utility authority's boundaries any information received  
599 from the Mississippi State Department of Health or Department of  
600 Environmental Quality or other state or federal regulatory  
601 agencies regarding the condition of a transferred eligible  
602 municipal system. The utility authority, in addition to abiding  
603 by any other federal or state reporting requirements, must also  
604 report such information to the public on its website and to  
605 individuals residing within the municipality as required by  
606 federal or state law;

607           (c) Publish audited annual financial statements, which  
608 shall be made available to the public. The annual financial  
609 statements shall include disposition of all funds expended by the  
610 Utility authority for any purpose. Quarterly financial statements  
611 shall be made available to the public by posting on the utility  
612 authority's website;



613 (d) Adopt by administrative rules and regulations a  
614 system of continuous internal audits;

615 (e) Adopt by administrative rules and regulations a  
616 code of ethics for officers and employees of the utility authority  
617 to carry out the standards of conduct established by this act; and

618 (f) Adopt by administrative rules and regulations  
619 guidelines for the disposal of property if the utility authority  
620 is dissolved. Such administrative rules and regulations shall  
621 include that ownership, management and control of the systems  
622 shall revert to the City of Jackson.

623 **SECTION 9.** (1) The president, as executive director of the  
624 utility authority, if so appointed by the utility authority, shall  
625 direct and supervise all administrative and technical activities  
626 in accordance with the provisions of this act, within the  
627 administrative rules and regulations adopted by the board, and in  
628 accordance with industry practice. The president shall:

629 (a) Supervise and administer or contract for the  
630 supervision and administration of the water, wastewater and storm  
631 water systems owned, managed or controlled by the utility  
632 authority.

633 (b) Employ and direct such personnel as may be  
634 necessary to carry out the purposes of this act and utilize such  
635 services, personnel or facilities of the utility authority as he  
636 or she may deem necessary.





637                   (c) Make available for inspection by the board or any  
638 member of the board or the Governor, Lieutenant Governor, Speaker  
639 of the House or the governing authorities of any municipality  
640 whose citizens are served by the utility authority, upon request,  
641 all books, records, files and other information and documents of  
642 his or her office and advise the board and recommend such  
643 administrative rules and regulations and other matters he or she  
644 deems necessary and advisable to improve the operation and  
645 administration of the utility authority.

646                   (d) Attend meetings of the board or appoint a designee  
647 to attend on his or her behalf.

648                   (e) Not later than thirty (30) days before the  
649 beginning of the utility authority's fiscal year, submit the  
650 proposed annual budget of the utility authority to the board for  
651 review and approval. This shall include a schedule of planned  
652 repairs, upgrades or improvements to the systems and the  
653 anticipated capital cost of each. In addition, the proposed  
654 annual budget of the utility authority shall include a personnel  
655 table reporting information for each full-time and part-time  
656 permanent position, as follows:

657                   (i) The position title and the salary for each  
658 position in the existing operating budget for the current fiscal  
659 year, indicating whether each position is filled or vacant as of  
660 the reporting date; and



661 (ii) The position title and the salary recommended  
662 for each position for the next fiscal year.

663 (f) The president shall require bond of Fifty Thousand  
664 Dollars (\$50,000.00) from employees with access to funds or in  
665 such an amount as provided in the administrative rules and  
666 regulations of the board.

667 (2) The president may:

668 (a) Require bond from other employees as he or she  
669 deems necessary;

670 (b) For good cause, and with approval from the majority  
671 of the board, suspend, revoke or refuse to renew any contract  
672 entered into in accordance with this act or the administrative  
673 rules and regulations of the board; and

674 (c) Upon specific or general approval of the board,  
675 enter into personal service contracts pursuant to administrative  
676 rules and regulations adopted by the board and compensate such  
677 consultants and technical assistants as may be required to carry  
678 out the provisions of this act.

679 (3) Agencies, departments or units of state government,  
680 including, but not limited to, the Mississippi Department of  
681 Health and the Mississippi Department of Environmental Quality,  
682 shall cooperate with the utility authority to regulate the utility  
683 authority and assure the effective operation of the utility  
684 authority's systems, with the understanding that such agencies act  
685 as a regulator and not operator of such systems. All state



686 officers are hereby empowered and required to render such services  
687 to the utility authority within their respective functions as may  
688 be requested by the utility authority.

689 **SECTION 10.** Employees of the utility authority shall serve  
690 at the will and pleasure of the president who shall determine  
691 their compensation and benefits. The compensation of officers at  
692 the division head level and above shall be determined by the  
693 board.

694 **SECTION 11.** Neither the directors of the utility authority,  
695 the board, its employees, nor any person or persons acting on  
696 their behalf, while acting within the scope of their authority,  
697 shall be subject to personal liability resulting from carrying out  
698 any of the powers granted herein in accordance with his or her  
699 good-faith belief that he or she is acting in the best interests  
700 of the utility authority.

701 **SECTION 12.** (1) The utility authority shall enter into its  
702 contracts for major procurements after a competitive and open  
703 procurement process. The utility authority may adopt  
704 administrative rules and regulations pursuant to the provisions of  
705 this act providing for special procedures whereby the utility  
706 authority may make any class of procurement. The utility  
707 authority shall endeavor to ensure the transparency and  
708 competitiveness of procurements of all sizes.

709 (2) In its bidding processes, the utility authority may do  
710 its own bidding and procurement or may utilize the services of



711 other state agencies as appropriate and necessary. The president  
712 may, with the approval of a majority of the board, declare an  
713 emergency for purchasing purposes which shall be governed by the  
714 administrative rules and regulations adopted by the board.

715 **SECTION 13.** All monies received by the utility authority  
716 shall be deposited into an operating account. Such account shall  
717 be established in a custodian financial institution domiciled in  
718 the State of Mississippi, insured by the Federal Deposit Insurance  
719 Corporation and collateralized as prescribed by Section 27-105-5.

720 **SECTION 14.** All division heads, officers and employees of  
721 the utility authority shall be considered public servants as  
722 defined in Section 25-4-103. All division heads and officers of  
723 the utility authority are subject to Section 25-4-25 and shall be  
724 required to file a Statement of Economic Interest with the  
725 Mississippi Ethics Commission.

726 **SECTION 15.** (1) Any public agency or person, pursuant to a  
727 duly adopted resolution of the governing body of such public  
728 agency or person, may enter into contracts with the utility  
729 authority under the terms of which the utility authority will  
730 manage, operate and contract for usage of its systems and  
731 facilities, or other services, for such person or public agency.

732 (2) Any public agency or person may enter into contracts  
733 with the utility authority for the utility authority to purchase  
734 or sell, by installments over such terms as may be deemed  
735 desirable, or otherwise, to any person or any systems. Any public



736 agency may sell, donate, convey, or otherwise dispose of water,  
737 wastewater and storm water facilities or systems; or any  
738 equipment, personal property or any other things, deemed necessary  
739 for the construction, operation, and maintenance to the utility  
740 authority without the necessity of appraisal, advertising, or  
741 bidding. This section creates an alternative method of disposal  
742 of public property.

743 (3) Any public agency is authorized to enter into operating  
744 agreements with the utility authority, for such terms and upon  
745 such conditions as may be deemed desirable, for the operation of  
746 any of its systems of any person by the utility authority or by  
747 any person contracting with the utility authority to operate such  
748 systems.

749 (4) Any public agency may lease to or from the utility  
750 authority, for such term and upon such conditions as may be deemed  
751 desirable, any of its systems.

752 (5) Any municipality or county may donate office space,  
753 equipment, supplies, and materials to the utility authority.

754 (6) Any such contract may contain provisions requiring any  
755 public agency or other person to regulate the quality and strength  
756 of the material to be handled by the wastewater or storm water  
757 systems and may also provide that the utility authority shall have  
758 the right to use any streets, alleys and public ways and places  
759 within the jurisdiction of a public agency or other person during  
760 the term of the contract. Such contracts may obligate the public



761 agency to make payments to the utility authority or to a trustee  
762 in amounts which shall be sufficient to enable the utility  
763 authority to defray the expenses of administering, operating and  
764 maintaining its respective systems, to pay interest and principal  
765 (whether at maturity upon redemption or otherwise) on bonds of the  
766 utility authority, issued under this act and to fund reserves for  
767 debt service, for operation and maintenance and for renewals and  
768 replacements, to fulfill the requirements of any rate covenant  
769 with respect to debt service coverage contained in any resolution,  
770 trust indenture or other security agreement relating to the bonds  
771 of the utility authority issued under this act or to fulfill any  
772 other requirement relating to bonds issued pursuant to this act.

773 (7) Any public agency shall have the power to enter into  
774 such contracts with the utility authority as in the discretion of  
775 the governing body of the public agency would be in the best  
776 interest of the public agency. Such contracts may include a  
777 pledge of the full faith and credit of such public agency and/or  
778 the avails of any special assessments made by such public agency  
779 against property receiving benefits, as now or hereafter are  
780 provided by law. Any such contract may provide for the sale, or  
781 lease to, or use of by the utility authority, of the systems or  
782 any part thereof, of the public agency; and may provide that the  
783 utility authority shall operate its systems or any part thereof of  
784 the public agency; and may provide that any public agency shall  
785 have the right to continued use and/or priority use of the systems



786 or any part thereof during the useful life thereof upon payment of  
787 reasonable charges therefor; and may contain provisions to assure  
788 equitable treatment of persons or public agencies who contract  
789 with the utility authority under this act; and may contain such  
790 other provisions and requirements as the parties thereto may  
791 determine to be appropriate or necessary. Such contracts may  
792 extend over any period of time, notwithstanding any provisions of  
793 law to the contrary, and may extend beyond the life of the  
794 respective systems or any part thereof or the term of the bonds  
795 sold with respect to such facilities or improvements thereto.  
796

(8) The obligations of a public agency arising under the terms of any contract referred to in this act, whether or not payable solely from a pledge of revenues, shall not be included within the indebtedness limitations of the public agency for purposes of any constitutional or statutory limitation or provision. To the extent provided in such contract and to the extent such obligations of the public agency are payable wholly or in part from the revenues and other monies derived by the public agency from the operation of its systems or of its combined systems, or any part thereof, such obligations shall be treated as expenses of operating such systems.

(9) Contracts referred to in this section may also provide for payments in the form of contributions to defray the cost of any purpose set forth in the contracts and as advances for the respective systems or any part thereof subject to repayment by the

811 utility authority. A public agency may make such contributions or  
812 advances from its general fund or surplus fund or from special  
813 assessments or from any monies legally available therefor.

814 (10) Subject to the terms of a contract or contracts  
815 referred to in this act, the utility authority is hereby  
816 authorized to do and perform any and all acts or things necessary,  
817 convenient or desirable to carry out the purposes of such  
818 contracts, including the fixing, charging, collecting, maintaining  
819 and revising of rates, fees and other charges for the services  
820 rendered to any user of any of the systems operated or maintained  
821 by the utility authority, whether or not such systems are owned by  
822 the utility authority.

823 (11) No provision of this act shall be construed to prohibit  
824 any public agency, otherwise permitted by law to issue bonds, from  
825 issuing bonds in the manner provided by law for the construction,  
826 renovation, repair or development of any of the utility  
827 authority's systems, or any part thereof, owned or operated by  
828 such public agency.

829 **SECTION 16.** Whenever a public agency shall have executed a  
830 contract under this act and the payments thereunder are to be made  
831 either wholly or partly from the revenues of the public agency's  
832 systems, or any part thereof, or a combination of such systems,  
833 the duty is hereby imposed on the public agency to establish and  
834 maintain and from time to time to adjust the rate or fees charged  
835 by the public agency for the services of such systems, so that the





836 revenues therefrom, together with any taxes and special  
837 assessments levied in support thereof, will be sufficient at all  
838 times to pay:

839 (a) The expense of operating and maintaining such  
840 systems, including, but not limited to, all of the public agency's  
841 obligations to the utility authority and the cost required to  
842 staff such systems, its successors or assigns under such contract;  
843 and

844 (b) All of the public agency's obligations under and in  
845 connection with bonds theretofore issued, or which may be issued  
846 thereafter and secured by the revenues of such systems. Any such  
847 contract may require the use of consulting engineers and financial  
848 experts to advise the public agency whether and when such rates  
849 and fees are to be adjusted.

850 **SECTION 17.** (1) Notwithstanding the provisions of Sections  
851 77-3-21 and 77-3-23, the certificate of public convenience and  
852 necessity held by any municipality, public agency, district,  
853 public utility or other person authorized by law to provide water,  
854 sewer and wastewater services may be cancelled and its powers,  
855 duties and responsibilities transferred to the utility authority  
856 in the manner provided by this section.

857 (2) Any entity described in subsection (1) of this section  
858 desiring to have its certificate of public convenience and  
859 necessity cancelled and its powers, duties and responsibilities  
860 transferred to the utility authority shall make a determination to



861 that effect on its official minutes if a public entity, or by  
862 affidavit if not a public entity, and transmit such determination  
863 to the utility authority.

864 (3) Upon receipt of the document evidencing such  
865 determination from an entity to transfer its powers, duties and  
866 responsibilities to the utility authority, the utility authority  
867 shall, by resolution, declare whether it is willing and able to  
868 accept such transfer from the entity.

869 (4) Upon completion of the requirements of subsections (2)  
870 and (3) of this section herein and agreement by both parties to  
871 the transfer, the holder of the certificate of public convenience  
872 and necessity and the utility authority shall jointly petition the  
873 Public Service Commission to cancel the certificate of public  
874 convenience and necessity. The petition must be accompanied by  
875 copies of the official minutes, affidavit or resolution, as the  
876 case may be, reflecting the actions of the petitioners. After  
877 review of the petition and any other evidence as the Public  
878 Service Commission deems necessary, the commission may issue an  
879 order canceling the certificate and transferring to the utility  
880 authority the powers, duties and responsibilities granted by the  
881 certificate, including all assets and debts of the transferor  
882 petitioner related to such certificated services, real or  
883 personal, or both, if it finds that:

884 (a) Subsections (2) and (3) of this section have been  
885 complied with; and



886 (b) Such action is in the public interest.

887 (5) The utility authority and providers of water, sewer,  
888 wastewater and storm water services that are not holders of a  
889 certificate of a public convenience and necessity from the Public  
890 Service Commission may enter into agreements for the provision of  
891 such services, including, but not limited to, the transfer to the  
892 utility authority of such provider's powers, duties,  
893 responsibilities, assets and debts.

894 (6) Nothing herein shall require a municipality currently  
895 served by the utility authority to remain within the boundaries of  
896 the utility authority.

897 **SECTION 18.** (1) Any system of a municipality, public agency  
898 or person that becomes subject to the jurisdiction of a utility  
899 authority and this act shall not impair, invalidate or abrogate  
900 any liens, bonds or other certificates of indebtedness related to  
901 water, storm water or wastewater facilities and systems incurred  
902 prior to becoming subject to the jurisdiction of the utility  
903 authority.

904 (2) The utility authority may do and perform any and all  
905 acts necessary, convenient or desirable to ensure the payment,  
906 redemption or satisfaction of such liens, bonds or other  
907 certificates of indebtedness.

908 **SECTION 19.** (1) Sections 18 through 27 of this act apply to  
909 all bonds to be issued after the date of enactment of this act,  
910 and such provisions shall not affect, limit or alter the rights



911 and powers of any utility authority under this act or any law of  
912 Mississippi to conduct the activities referred to herein in any  
913 way pertinent to the interests of the bondholders, including,  
914 without limitation, such utility authority's right to charge and  
915 collect rates, fees and charges and to fulfill the terms of any  
916 covenants made with the registered owners of any existing bonds,  
917 or in any other way impair the rights and remedies of the  
918 registered owners of any existing bonds, unless provision for full  
919 payment of such bonds, by escrow or otherwise, has been made  
920 pursuant to the terms of the bonds or the resolution, trust  
921 indenture or security interest securing the bonds.

922 (2) The utility authority shall have the power and is hereby  
923 authorized, from time to time, to borrow money and to issue  
924 revenue bonds and interim notes in such principal amounts as the  
925 utility authority may determine to be necessary to provide  
926 sufficient funds for achieving one or more of the purposes of this  
927 act, including, without limiting the generality of the foregoing,  
928 to defray all the costs of the project, the cost of the  
929 acquisition, construction, improvement, repair or extension of a  
930 system, or any part thereof, whether or not such facilities are  
931 owned by the utility authority, the payment of interest on bonds  
932 of the utility authority issued pursuant to this act,  
933 establishment of reserves to secure such bonds and payment of the  
934 interest thereon, expenses incident to the issuance of such bonds  
935 and to the implementation of the utility authority's system, and



936 all other expenditures of the utility authority incident to or  
937 necessary or convenient to carry out the purposes of this act.

938 (3) Before issuing bonds, other than interim notes or  
939 refunding bonds as provided in Section 20 of this act, the board  
940 of directors of the utility authority shall adopt a resolution  
941 declaring its intention to issue such bonds and stating the  
942 maximum principal amount of bonds proposed to be issued, a general  
943 generic description of the proposed improvements and the proposed  
944 location thereof and the date, time and place at which the board  
945 of directors proposes to take further action with respect to the  
946 issuance of such bonds. The resolution shall be published once a  
947 week for at least three (3) consecutive weeks in at least one (1)  
948 newspaper having a general circulation within the geographical  
949 limits of all of the public agencies which have contracted with  
950 the utility authority pursuant to this act.

951 (4) Bonds of the utility authority issued pursuant to this  
952 act shall be payable from and secured by a pledge of all or any  
953 part of the revenues under one or more contracts entered into  
954 pursuant to this act between the utility authority and one or more  
955 of its contracting public agencies and from all or any part of the  
956 revenues derived from the operation of any designated system or  
957 any part or parts thereof and any other monies legally available  
958 and designated therefor, as may be determined by such utility  
959 authority, subject only to any agreement with the purchasers of  
960 the bonds. Such bonds may be further secured by a trust indenture



961 between such utility authority and a corporate trustee, which may  
962 be any trust company or bank having powers of a trust company  
963 without or within the state.

964 (5) Bonds of the utility authority issued pursuant to this  
965 act shall be authorized by a resolution or resolutions adopted by  
966 a majority affirmative vote of the total membership of the board  
967 of directors of the utility authority. Such bonds may be issued  
968 in series, and each series of such bonds shall bear such date or  
969 dates, mature at such time or times, bear interest at such rate or  
970 rates (not exceeding the maximum rate set out in Section  
971 75-17-103, Mississippi Code of 1972), be in such denomination or  
972 denominations, be in such form, carry such conversion privileges,  
973 have such rank or priority, be executed in such manner and by such  
974 officers, be payable from such sources in such medium of payment  
975 at such place or places within or without the state, provided that  
976 one such place shall be within the state, and be subject to such  
977 terms of redemption prior to maturity, all as may be provided by  
978 resolution or resolutions of the board of directors. The term of  
979 such bonds issued pursuant to this act shall not exceed forty (40)  
980 years.

981 (6) Bonds of the utility authority issued pursuant to this  
982 act may be sold at such price or prices, at public or private  
983 sale, in such manner and at such times as may be determined by  
984 such utility authority to be in the public interest, and such  
985 utility authority may pay all expenses, premiums, fees and



986 commissions which it may deem necessary and advantageous in  
987 connection with the issuance and sale thereof.

988 (7) Any pledge of earnings, revenues or other monies made by  
989 the utility authority shall be valid and binding from the time the  
990 pledge is made. The earnings, revenues or other monies so pledged  
991 and thereafter received by such utility authority shall  
992 immediately be subject to the lien of such pledge without any  
993 physical delivery thereof or further act, and the lien of any such  
994 pledge shall be valid and binding as against all parties having  
995 claims of any kind in tort, contract or otherwise against such  
996 utility authority irrespective of whether such parties have notice  
997 thereof. Neither the resolution nor any other instrument by which  
998 a pledge is created need be recorded.

999 (8) Neither the members of the board of directors nor any  
1000 person executing the bonds shall be personally liable on the bonds  
1001 or be subject to any personal liability or accountability by  
1002 reason of the issuance thereof.

1003 (9) Proceeds from the sale of bonds of the utility authority  
1004 may be invested, pending their use, in such securities as may be  
1005 specified in the resolution authorizing the issuance of the bonds  
1006 or the trust indenture securing them, and the earnings on such  
1007 investments applied as provided in such resolution or trust  
1008 indenture.

1009 (10) Whenever any bonds shall have been signed by the  
1010 officer(s) designated by the resolution of the board of directors





1011 to sign the bonds who were in office at the time of such signing  
1012 but who may have ceased to be such officer(s) prior to the sale  
1013 and delivery of such bonds, or who may not have been in office on  
1014 the date such bonds may bear, the manual or facsimile signatures  
1015 of such officer(s) upon such bonds shall nevertheless be valid and  
1016 sufficient for all purposes and have the same effect as if the  
1017 person so officially executing such bonds had remained in office  
1018 until the delivery of the same to the purchaser or had been in  
1019 office on the date such bonds may bear.

1020 (11) The utility authority has the discretion to advance or  
1021 borrow funds needed to satisfy any short-term cash flow demands or  
1022 deficiencies or to cover start-up costs until such time as  
1023 sufficient bonds, assets and revenues have been secured to satisfy  
1024 the needs of the utility authority.

1025 **SECTION 20.** (1) The utility authority may, by resolution  
1026 adopted by its board of directors, issue refunding bonds for the  
1027 purpose of paying any of its bonds at or prior to maturity or upon  
1028 acceleration or redemption. Refunding bonds may be issued at such  
1029 time prior to the maturity or redemption of the refunded bonds as  
1030 the board of directors deems to be in the public interest, without  
1031 an election on the question of the issuance thereof. The  
1032 refunding bonds may be issued in sufficient amounts to pay or  
1033 provide the principal of the bonds being refunded, together with  
1034 any redemption premium thereon, any interest accrued or to accrue  
1035 to the date of payment of such bonds, the expenses of issue of the





1036 refunding bonds, the expenses of redeeming the bonds being  
1037 refunded, and such reserves for debt service or other capital or  
1038 current expenses from the proceeds of such refunding bonds as may  
1039 be required by the resolution, trust indenture or other security  
1040 instruments. The issue of refunding bonds, the maturities and  
1041 other details thereof, the security therefor, the rights of the  
1042 holders and the rights, duties and obligations of the utility  
1043 authority in respect of the same shall be governed by the  
1044 provisions of this act relating to the issue of bonds other than  
1045 refunding bonds insofar as the same may be applicable. Any such  
1046 refunding may be effected, whether the obligations to be refunded  
1047 shall have then matured or shall thereafter mature, either by the  
1048 exchange of the refunding bonds for the obligations to be refunded  
1049 thereby with the consent of the holders of the obligations so to  
1050 be refunded, or by sale of the refunding bonds and the application  
1051 of the proceeds thereof to the payment of the obligations proposed  
1052 to be refunded thereby, and regardless of whether the obligations  
1053 proposed to be refunded shall be payable on the same date or  
1054 different dates or shall be due serially or otherwise.

1055 (2) Borrowing by the utility authority may be made by the  
1056 delivery of interim notes to any person or public agency or  
1057 financial institution by a majority vote of the board of  
1058 directors.

1059 **SECTION 21.** All bonds, other than refunding bonds, interim  
1060 notes and certificates of indebtedness, which may be validated



1061 issued pursuant to this act shall be validated as now provided by  
1062 law in Sections 31-13-1 through 31-13-11, Mississippi Code of  
1063 1972; however, notice of such validation proceedings shall be  
1064 addressed to the citizens of the respective public agencies (a)  
1065 which have contracted with the utility authority pursuant to this  
1066 act, and (b) whose contracts and the payments to be made by the  
1067 public agencies thereunder constitute security for the bonds of  
1068 such utility authority proposed to be issued, and that such notice  
1069 shall be published at least once in a newspaper or newspapers  
1070 having a general circulation within the geographical boundaries of  
1071 each of the contracting public agencies to whose citizens the  
1072 notice is addressed. Such validation proceedings shall be  
1073 instituted in any chancery courts within the boundaries of the  
1074 utility authority. The validity of the bonds so validated and of  
1075 the contracts and payments to be made by the public agencies  
1076 thereunder constituting security for the bonds shall be forever  
1077 conclusive against the utility authority and the public agencies,  
1078 which are parties to said contracts; and the validity of said  
1079 bonds and said contracts and the payments to be made thereunder  
1080 shall never be called in question in any court in this state.

1081 **SECTION 22.** Bonds issued under the provisions of this act  
1082 shall not be deemed to constitute, within the meaning of any  
1083 constitutional or statutory limitation, an indebtedness of the  
1084 utility authority or the state. Such bonds shall be payable  
1085 solely from the revenues or assets of the utility authority



pledged therefor. Each bond issued under this act shall contain on the face thereof a statement to the effect that such utility authority, nor the state, shall not be obligated to pay the same nor the interest thereon except from the revenues or assets pledged therefor.

**SECTION 23.** The utility authority shall have power in connection with the issuance of its bonds pursuant to this act to:

(a) Covenant as to the use of any or all of its property, real or personal;

(b) Redeem the bonds, to covenant for their redemption and to provide the terms and conditions thereof;

(c) Covenant to charge rates, fees and charges sufficient to meet operating and maintenance expenses, renewals and replacements, principal and debt service on bonds, creation and maintenance of any reserves required by a bonds resolution, trust indenture or other security instrument and to provide for any margins or coverages over and above debt service on the bonds deemed desirable for the marketability of the bonds;

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds shall become or may be declared due before maturity, as to the terms and conditions upon which such declaration and its consequences may be waived and as to the consequences of default and the remedies of the registered owners of the bonds;



1110 (e) Covenant as to the mortgage or pledge of or the  
1111 grant of a security interest in any real or personal property and  
1112 all or any part of the revenues from any designated system or any  
1113 part thereof or any revenue-producing contract or contracts made  
1114 by a utility authority with any person to secure the payment of  
1115 bonds, subject to such agreements with the registered owners of  
1116 bonds as may then exist;

1117 (f) Covenant as to the custody, collection, securing,  
1118 investment and payment of any revenues, assets, monies, funds or  
1119 property with respect to which a utility authority may have any  
1120 rights or interest;

1121 (g) Covenant as to the purposes to which the proceeds  
1122 from the sale of any bonds then or thereafter to be issued may be  
1123 applied, and the pledge of such proceeds to secure the payment of  
1124 the bonds;

1125 (h) Covenant as to the limitations on the issuance of  
1126 any additional bonds, the terms upon which additional bonds may be  
1127 issued and secured, and the refunding of outstanding bonds;

1128 (i) Covenant as to the rank or priority of any bonds  
1129 with respect to any lien or security;

1130 (j) Covenant as to the procedure by which the terms of  
1131 any contract with or for the benefit of the registered owners of  
1132 bonds may be amended or abrogated, the amount of bonds the  
1133 registered owners of which must consent thereto, and the manner in  
1134 which such consent may be given;



1135 (k) Covenant as to the custody of any of its properties  
1136 or investments, the safekeeping thereof, the insurance to be  
1137 carried thereon, and the use and disposition of insurance  
1138 proceeds;

1139 (l) Covenant as to the vesting in a trustee or  
1140 trustees, within or outside the state, of such properties, rights,  
1141 powers and duties in trust as such utility authority may  
1142 determine;

1143 (m) Covenant as to the appointing and providing for the  
1144 duties and obligations of a paying agent or paying agents or other  
1145 fiduciaries within or outside the state;

1146 (n) Make all other covenants and to do any and all such  
1147 acts and things as may be necessary or convenient or desirable in  
1148 order to secure its bonds, or in the absolute discretion of the  
1149 utility authority tend to make the bonds more marketable,  
1150 notwithstanding that such covenants, acts or things may not be  
1151 enumerated herein; it being the intention hereof to give any  
1152 utility authority power to do all things in the issuance of bonds  
1153 and in the provisions for security thereof which are not  
1154 inconsistent with the Constitution of the state; and

1155 (o) Execute all instruments necessary or convenient in  
1156 the exercise of the powers herein granted or in the performance of  
1157 covenants or duties, which may contain such covenants and  
1158 provisions, as any purchaser of the bonds of the utility authority  
1159 may reasonably require.



1160        **SECTION 24.** The utility authority may, in any authorizing  
1161 resolution of the board of directors, trust indenture or other  
1162 security instrument relating to its bonds issued pursuant to this  
1163 act, provide for the appointment of a trustee who shall have such  
1164 powers as are provided therein to represent the registered owners  
1165 of any issue of bonds in the enforcement or protection of their  
1166 rights under any such resolution, trust indenture or security  
1167 instrument. The utility authority may also provide in such  
1168 resolution, trust indenture or other security instrument that the  
1169 trustee, or in the event that the trustee so appointed shall fail  
1170 or decline to so protect and enforce such registered owners'  
1171 rights then such percentage of registered owners as shall be set  
1172 forth in, and subject to the provisions of, such resolution, trust  
1173 indenture or other security interest, may petition the court of  
1174 proper jurisdiction for the appointment of a receiver of the  
1175 utility authority's systems, the revenues of which are pledged to  
1176 the payment of the principal of and interest on the bonds of such  
1177 registered owners. Such receiver may exercise any power as may be  
1178 granted in any such resolution, trust indenture or security  
1179 instrument to enter upon and take possession of, acquire,  
1180 construct, reconstruct or operate and maintain such system, fix  
1181 charges for services of the system and enforce collection thereof,  
1182 and receive all revenues derived from such system or facilities  
1183 and perform the public duties and carry out the contracts and  
1184 obligations of such utility authority in the same manner as such



1185 utility authority itself might do, all under the direction of such  
1186 court.

1187 **SECTION 25.** (1) The exercise of the powers granted by this  
1188 act will be in all respects for the benefit of the people of the  
1189 state, for their well-being and prosperity and for the improvement  
1190 of their social and economic conditions, and the utility authority  
1191 shall not be required to pay any tax or assessment on any property  
1192 owned by the utility authority under the provisions of this act or  
1193 upon the income therefrom; nor shall the utility authority be  
1194 required to pay any recording fee or transfer tax of any kind on  
1195 account of instruments recorded by it or on its behalf.

1196 (2) Any bonds issued by the utility authority under and  
1197 pursuant to the provisions of this act, their transfer and the  
1198 income therefrom shall at all times be free from taxation by the  
1199 state or any local unit or political subdivision or other  
1200 instrumentality of the state, excepting inheritance and gift  
1201 taxes.

1202 **SECTION 26.** All bonds issued under the provisions of this  
1203 act shall be legal investments for trustees, other fiduciaries,  
1204 savings banks, trust companies and insurance companies organized  
1205 under the laws of the State of Mississippi; and such bonds shall  
1206 be legal securities which may be deposited with and shall be  
1207 received by all public officers and bodies of the state and all  
1208 municipalities and other political subdivisions thereof for the  
1209 purpose of securing the deposit of public funds.





**SECTION 27.**

The state hereby covenants with the registered owners of any bonds of any utility authority that so long as the bonds are outstanding and unpaid, the state will not limit or alter the rights and powers of any utility authority under this act to conduct the activities referred to herein in any way pertinent to the interests of the bondholders, including, without limitation, such utility authority's right to charge and collect rates, fees, assessments and charges and to fulfill the terms of any covenants made with the registered owners of the bonds, or in any other way impair the rights and remedies of the registered owners of the bonds, unless provision for full payment of such bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security interest securing the bonds.

**SECTION 28.**

For the purposes of satisfying any temporary cash flow demands and deficiencies, and to maintain a working balance for the utility authority, the county, municipalities or public agencies within the geographic boundaries of the utility authority, or other persons, subject to their lawful authority to do so, are authorized to advance, at any time, such funds which, in its discretion, are necessary, or borrow such funds by issuance of notes, for initial capital contribution and to cover start-up costs until such times as sufficient bonds, assets and revenues have been secured to satisfy the needs of the utility authority for its management, operation and formation. To this end, the





1235 county, municipality, public agency or person, subject to their  
1236 lawful authority to do so, shall advance such funds, or borrow  
1237 such funds by issuance of notes, under such terms and conditions  
1238 as may be provided by resolution of the governing body, or other  
1239 persons as defined in this act, subject to their lawful authority  
1240 to do so, except that each such resolution shall state:

1241 (a) The need for the proceeds advanced or borrowed;

1242 (b) The amount to be advanced or the amount to be  
1243 borrowed;

1244 (c) The maximum principal amount of any note issued the  
1245 interest rate or maximum interest rate to be incurred, and the  
1246 maturity date of said note;

1247 (d) In addition, the governing body, or other persons  
1248 as defined in this act, subject to their lawful authority to do  
1249 so, may arrange for lines of credit with any bank, firm or person  
1250 for the purpose of providing an additional source of repayment for  
1251 notes issued pursuant to this section. Amounts drawn on a line of  
1252 credit may be evidenced by negotiable or nonnegotiable notes or  
1253 other evidences of indebtedness and contain such terms and  
1254 conditions as the governing body, or other persons as defined in  
1255 this act, subject to their lawful authority to do so, may  
1256 authorize in the resolution approving the same;

1257 (e) The governing body of the county, municipalities or  
1258 other persons as defined in this act, subject to their lawful  
1259 authority to do so, may authorize the repayment of such advances,



1260 notes, lines of credit and other debt incurred under this section,  
1261 along with all costs associated with the same, including, but not  
1262 limited to, rating agency fees, printing costs, legal fees, bank  
1263 or trust company fees, line of credit fees and other charges to be  
1264 reimbursed by the utility authority under such terms and  
1265 conditions as are reasonable and are to be provided for by  
1266 resolution of the governing body, or terms agreed upon with other  
1267 persons as defined in this act, subject to their lawful authority  
1268 to do so; and

1269 (f) In addition, the governing body of the county,  
1270 municipality or public agency may lease or donate office space and  
1271 equipment to the utility authority under such terms and conditions  
1272 as are reasonable and are to be provided for by resolution of the  
1273 governing body, or terms agreed upon by the utility authority.

1274 **SECTION 29.** This act being necessary for the welfare of the  
1275 state and its inhabitants shall be liberally construed to effect  
1276 the purposes thereof. If any section, provision, paragraph,  
1277 sentence, phrase or word of this act shall be held invalid by any  
1278 court of competent jurisdiction, the remainder of this act shall  
1279 not be affected thereby.

1280 **SECTION 30.** Sections 1 through 29 of this act shall be  
1281 codified in Title 77, Mississippi Code of 1972.

1282 **SECTION 31.** This act shall take effect and be in force from  
1283 and after July 1, 2023.

1284 **FURTHER, AMEND the title to conform.**



Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

1 AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT;  
2 TO ESTABLISH THE MISSISSIPPI CAPITOL REGION UTILITY AUTHORITY; TO  
3 PROVIDE FOR THE APPOINTMENT OF A PRESIDENT AND A BOARD OF  
4 DIRECTORS FOR SUCH AUTHORITY; TO CLARIFY THE POWERS AND DUTIES OF  
5 SUCH BOARD; TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER FOR  
6 THE CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.



**Adopted**  
**AMENDMENT NO 1 TO AMENDMENT NO 1 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2889**

**BY: Senator(s) Horhn**

1       **AMEND** on line 1284 by inserting before the period the  
2 following language:  
3 , and shall stand repealed on June 30, 2023.



**Not Germane  
AMENDMENT NO 2 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2889**

**BY: Senator(s) McMahan**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

5        **SECTION 1.** The capital of the State of Mississippi shall be  
6 moved to the City of Tupelo in Lee County by 2025.

7        **SECTION 2.** This act shall take effect and be in force from  
8 and after July 1, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1        AN ACT TO PROVIDE THAT THE CAPITAL OF THE STATE OF  
2 MISSISSIPPI SHALL BE MOVED TO THE CITY OF TUPELO IN LEE COUNTY BY  
3 2025.



**Pending  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2889**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

8        **SECTION 1.** This act shall be known and may be cited as the  
9        "Mississippi Capitol Region Utility Act."

10       **SECTION 2.** (1) The Mississippi Legislature finds the  
11       following:

12                (a) For the benefit of the citizens centrally located  
13       in the State of Mississippi, including citizens residing or  
14       working in the capital city of the State of Mississippi, it is  
15       essential to have access to safe, clean and reliable water,  
16       wastewater and storm water systems at affordable, regulated rates



17 which are just, reasonable and provide an adequate amount of  
18 capital to keep such systems in good repair;

19 (b) The availability of safe, clean and reliable water,  
20 wastewater and storm water has vast impacts on health, schools and  
21 academic outcomes, crime and safety, state and local government  
22 operations, businesses and economic development, the availability  
23 of a workforce, tourism and many other critical areas;

24 (c) The availability of safe, clean and reliable water,  
25 wastewater and storm water systems requires significant financial  
26 resources and human capital to engage in the planning,  
27 acquisition, construction, maintenance, coordination and operation  
28 required to deliver transparent and efficient services which meet  
29 and exceed federal and state regulations and requirements;

30 (d) On November 29, 2022, the Department of Justice  
31 filed a complaint alleging that the City of Jackson has failed to  
32 provide drinking water that is reliably compliant with the Safe  
33 Drinking Water Act to citizens within the boundaries of the water  
34 system. The Department of Justice simultaneously filed a proposal  
35 which would appoint a receiver, or an interim third-party manager,  
36 to stabilize the City of Jackson's public drinking water system  
37 and build confidence in the water system's ability to supply safe,  
38 clean and reliable water to citizens within the boundaries of the  
39 water system. The U.S. District Court for the Southern District  
40 of Mississippi appointed a receiver to oversee and operate the  
41 water system on November 29, 2022.



42 (e) The receiver appointed by the U.S. District Court  
43 for the Southern District of Mississippi provided in his January  
44 27, 2023, plan for the water system that he would like a concept  
45 for future governance in place by September 30, 2023, and a  
46 utility authority or corporate nonprofit entity are viable options  
47 for the concept of future governance;

48 (f) The creation and organization of a structure for  
49 future governance requires legislation for it to continue in  
50 perpetuity beyond the eventual end of the receiver's work and  
51 related federal court orders; and

52 (g) The creation and organization of a structure for  
53 future governance prior to the date of the conclusion of the  
54 receiver's work will allow the best opportunity for minimal  
55 disruption in water, wastewater and storm water service and  
56 maximum ease of transition after the receiver has concluded his  
57 work in overseeing and operating the water system.

58 (2) Therefore, it is the intent of the Mississippi  
59 Legislature to:

60 (a) Provide authority to the Mississippi Capitol Region  
61 Utility Authority to transfer water, wastewater and storm water  
62 services provided by the City of Jackson to the utility  
63 authority's management and control when the court-appointed  
64 receiver's work concludes with the water system to ensure all  
65 citizens have access to safe, clean and reliable water, wastewater  
66 and storm water systems at affordable, regulated rates which are





67 just, reasonable and provide an adequate amount of capital to keep  
68 such systems in good repair; and

69 (b) Partner with the Mississippi Department of Health,  
70 Mississippi Department of Environmental Quality, local  
71 governments, including the City of Jackson, within the boundaries  
72 of the utility district, and any other federal, state or local  
73 entity in taking any action necessary under this act to ensure all  
74 citizens have access to safe, clean and reliable water, wastewater  
75 and storm water systems, with the understanding that federal and  
76 state agencies are solely responsible for regulating, but not  
77 operating, the utility authority.

78 **SECTION 3.** As used in this act, the following words and  
79 phrases have the meanings ascribed herein, unless the context  
80 clearly indicates otherwise:

81 (a) "Act" means the Mississippi Capitol Region Utility  
82 Act.

83 (b) "Board" means the Board of Directors of the  
84 Mississippi Capitol Region Utility Authority.

85 (c) "Bonds" means revenue bonds and other certificates  
86 of indebtedness of the authority issued under the provisions of  
87 this act.

88 (d) "Fiscal year" means the period of time beginning on  
89 July 1 of each year and ending on June 30 of each year.

90 (e) "Major procurement" means the procurement of any  
91 good or service in excess of One Million Dollars (\$1,000,000.00).



92           (f) "Municipality" means any incorporated city, town or  
93 village of the State of Mississippi, whether operating under  
94 general law or special charter.

95           (g) "Person" means the State of Mississippi, a county,  
96 a municipality, any state agency or any other city, town, village  
97 or political subdivision or governmental agency or instrumentality  
98 of the State of Mississippi or of the United States of America, or  
99 any private utility, individual, copartnership, association, firm,  
100 trust, estate or any other entity whatsoever.

101           (h) "Project" means the construction, development or  
102 acquisition by the utility authority of any infrastructure for  
103 water, wastewater and storm water systems or services and includes  
104 upgrading or repair of existing systems.

105           (i) "Public agency" means any county, municipality,  
106 state board or utility authority owning or operating properties,  
107 districts created pursuant to the general laws or local and  
108 private laws of the State of Mississippi, or any other political  
109 subdivision of the State of Mississippi possessing the power to  
110 own and operate waterworks, water supply systems, sewerage  
111 systems, sewage treatment systems or other facilities or systems  
112 for the collection, transportation and treatment of water,  
113 wastewater, and storm water.

114           (j) "Receiver" means the interim third-party manager  
115 for the water system owned by the City of Jackson who was  
116 appointed by the U.S. District Court for the Southern District of



Mississippi on November 29, 2022, to oversee and operate the water system during the negotiation of a consent decree related to compliance with the Safe Drinking Water Act and other laws.

(k) "Storm water" means any flow occurring during or following any form of natural precipitation and resulting from that precipitation.

(l) "System" or "systems" means any plants, structures, facilities and other real and personal property used or useful in the generation, storage, transportation or supply of water, and the collection, transportation, treatment or disposal of wastewater and storm water, including tanks, lakes, streams, ponds, pipes, trunk lines, mains, sewers, conduits, pipelines, pumping and ventilating stations, plants, works, connections and any other real or personal property and rights therein necessary, useful or convenient for the purposes of the utility board or authorities in connection therewith.

(m) "Utility authority" shall mean the Mississippi Capitol Region Utility Authority.

(n) "Wastewater" means water being disposed of by any person and which is contaminated with waste or sewage, including industrial, municipal, and any other wastewater that may cause impairment of the quality of waters in the state.

(o) "Water" means potable water, surface water and groundwater.



**SECTION 4.**

(1) There is hereby created and established a corporate nonprofit known as the Mississippi Capitol Region Utility Authority. The authority will be composed of geographic areas receiving water, wastewater and storm water services from the City of Jackson as of the date of enactment of this act for the planning, acquisition, construction, maintenance, operation and coordination of water, wastewater and storm water systems in order to ensure the delivery of water, wastewater and storm water services to citizens. Such utility authority is created solely to accomplish the purposes of the State under this act and the exercise by the utility authority of the powers conferred by this act shall be deemed and held to be the performance of an essential public function promoting the health, welfare and prosperity of the general public. It is the intent of the Legislature that the utility authority shall be accountable to ratepayers within the systems through the audits, reports and disclosures required by this act.

(2) The existence of the corporate nonprofit utility authority, which shall be domiciled in the State of Mississippi, shall begin upon the appointment of a majority of its board as provided in Section 5 of this act.

(3) The utility authority shall possess a leasehold in all water, wastewater and storm water system assets beginning on the date of termination of the receiver by the U.S. District Court for



the Southern District of Mississippi. The City of Jackson shall maintain ownership of all assets.

(4) All funds obtained by the utility authority in excess of expenses to operate and maintain the water, wastewater and storm water systems, including, but not limited to, capital expenditures, debt service and reserve funds as needed as determined by the utility authority, shall return to the City of Jackson.

(5) In the event of any action or matter against the utility authority, the Chief Justice of the Mississippi Supreme Court shall select an appropriate Circuit or Chancery Court, which shall have exclusive jurisdiction over the matter. For purposes of court costs, the utility authority shall be a private corporation.

(6) All funds provided by the federal government in H.R. 2617, the Consolidated Appropriations Act of 2023, and any other funds provided by the state or federal government in response to the water crisis detailed by the U.S. District Court for the Southern District of Mississippi in Case No. 3:22-cv-00686, *United States v. City of Jackson*, shall be spent according to the direction of the receiver and federal court within the service territory impacted by the water crisis and in accordance with federal law.

**SECTION 5.** (1) The affairs of the utility authority shall be administered by the Mississippi Capitol Region Utility Authority Board of Directors. The board shall be composed of nine



190 (9) members to be selected as follows: the Mayor of the City of  
191 Jackson, with the advice and consent of the Senate, shall appoint  
192 four (4) members, one (1) of whom shall be a resident of the City  
193 of Jackson who receives water from the west/south Jackson water  
194 well systems of the City of Jackson. The Governor, with the  
195 advice and consent of the Senate, shall appoint three (3) members.  
196 The Governor shall consult with the City of Byram to appoint one  
197 (1) of the three (3) appointments, so long as the City of Byram is  
198 included within the boundaries of the systems. The Lieutenant  
199 Governor, with the advice and consent of the Senate, shall appoint  
200 two (2) members. The Lieutenant Governor shall consult with the  
201 Mayor of the City of Ridgeland to appoint one (1) of their two (2)  
202 appointments, so long as the City of Ridgeland is included within  
203 the boundaries of the systems. All members shall be appointed  
204 within sixty (60) days of the enactment of this act.

205 In the appointment process, appointing authorities shall  
206 attempt to see that all portions of society and its diversity are  
207 represented in members of the utility authority. All appointed  
208 members must be residents of the State of Mississippi, must be  
209 ratepayers within the system boundaries, and must have  
210 significant, demonstrated experience in business management,  
211 fiscal affairs, public health or public utilities.

212 (2) The initial terms of the board of directors shall be as  
213 follows: One (1) member appointed by the Mayor of the City of  
214 Jackson shall serve for an initial term of four (4) years. One



215 (1) member appointed by the Mayor of the City of Jackson shall  
216 serve for an initial term of three (3) years. One (1) member  
217 appointed by the Mayor of the City of Jackson shall serve for an  
218 initial term of two (2) years. One (1) member appointed by the  
219 Mayor of the City of Jackson shall serve for an initial term of  
220 one (1) year. The Governor shall appoint one (1) member for a  
221 term of four (4) years, one (1) member for a term of three (3)  
222 years, and one (1) member for a term of two (2) years. The  
223 Lieutenant Governor shall appoint one (1) member for a term of  
224 four (4) years and one (1) member for a term of three (3) years.  
225 (3) Except as provided in Subsection 2 of this section,  
226 appointments shall be for a term of four (4) years. Each member  
227 shall hold office until his successor has been appointed and  
228 qualified. Vacancies shall be filled by appointment by the  
229 appropriate appointing authority, subject to the advice and  
230 consent of the Senate, for the length of the unexpired term only.  
231 Any member of the utility authority shall be eligible for  
232 reappointment for a maximum of two (2) full terms. Each member of  
233 the utility authority shall, before entering upon his duty, take  
234 an oath of office to administer the duties of his office  
235 faithfully and impartially, and a record of such oath shall be  
236 filed in the Office of the Secretary of State. The utility  
237 authority shall annually elect from its membership a chairman and  
238 vice chairman who shall be eligible for reelection. The utility  
239 authority shall also elect or appoint, and prescribe the duties



240 of, such other officers, who need not be members, as the utility  
241 authority deems necessary or advisable and the utility authority  
242 shall fix the compensation of such officers. The utility  
243 authority may delegate to one or more of its members, officers,  
244 employees or agents such powers and duties as it may deem proper,  
245 not inconsistent with this article or other provisions of law.

246 (4) The members of the utility authority shall serve without  
247 salary, but shall be entitled to receive per diem pay as provided  
248 in Section 25-3-69, plus travel and necessary expenses, including  
249 mileage, as provided in Section 25-3-41, incurred while in the  
250 performance of his or her duties as a member of the board of  
251 directors of the utility authority upon authorization by the  
252 board. Expenses shall be paid from the available funds of the  
253 utility authority after the utility authority assumes management  
254 and control of the water, wastewater and storm systems as provided  
255 in this act. Until the date the utility authority assumes  
256 management and control of the water, wastewater and stormwater  
257 systems as provided in this act, expenses shall be paid by the  
258 State of Mississippi.

259 (5) All meetings of the board shall be subject to the Open  
260 Meetings Act in Section 25-41-1 et seq. The Mississippi  
261 Department of Health, Mississippi Department of Environmental  
262 Quality, and U.S. Environmental Protection Agency shall be  
263 provided notice of all meetings, including emergency meetings.  
264 Representatives from the Mississippi Department of Health,





265 Mississippi Department of Environmental Quality, and U.S.  
266 Environmental Protection Agency may attend meetings to provide  
267 information as agencies which regulate and enforce laws which  
268 pertain to the utility authority. The chairman or a majority of  
269 members of the utility authority may convene the board for a  
270 meeting.

271 (6) Except as may be provided by law, all records of the  
272 utility authority shall be deemed public records and subject to  
273 public inspection as provided by Section 25-61-1 et seq.

274 (7) The board may by majority vote excuse the absence of any  
275 member of the board. In the event that any member of the board is  
276 absent for two (2) board meetings in a twelve-month period without  
277 such absences being excused by the board, his or her membership on  
278 the board shall be terminated as a function of law, without any  
279 action by the board, and the removed member of the board shall be  
280 ineligible for reappointment to the board. The original  
281 appointing authority shall retain their right to appoint a new  
282 board member to replace the removed board member.

283 (8) No employee of the utility authority shall be a member  
284 of the board.

285 (9) Until such time that the utility district assumes  
286 management and control of the water, wastewater and storm water  
287 systems, the board shall cooperate and coordinate with the  
288 receiver in order to provide the best opportunity for minimal  
289 disruption in service and maximum ease of transition after the



290 receiver has concluded his work in overseeing and operating the  
291 water system.

292       **SECTION 6.** (1) The utility authority shall consult with the  
293 receiver and the City of Jackson in appointing an Executive  
294 Director by January 1, 2024, who shall serve at the will and  
295 pleasure of the board. If the utility authority does not have  
296 management and control of the water, wastewater and storm water  
297 systems by the date of the appointment of an Executive Director,  
298 the State of Mississippi shall pay the salary of the Executive  
299 Director on a bimonthly basis. The Executive Director shall  
300 manage the daily affairs of the utility authority and shall have  
301 such powers and duties as specified by this act, by the board, and  
302 any rules or regulations adopted by the board. The Executive  
303 Director shall not be a member of the board. The Executive  
304 Director shall serve at the will and pleasure of the board.

305       (2) Until such time that the utility district assumes  
306 management and control of the water, wastewater and storm water  
307 systems, the Executive Director shall cooperate and coordinate  
308 with the receiver in order to provide the best opportunity for  
309 minimal disruption in service and maximum ease of transition after  
310 the receiver has concluded his work in overseeing and operating  
311 the water system.

312       (3) The Executive Director shall employ such personnel as he  
313 or she deems necessary. All personnel shall serve at the will and



314 pleasure of the Executive Director, unless otherwise specified by  
315 the Executive Director.

316 (4) The board shall set the salary of the Executive Director  
317 at such level as is necessary to recruit and retain a qualified  
318 professional with the expertise necessary in a public utility.  
319 The board may authorize whatsoever incentive compensation program  
320 for the Executive Director and utility authority staff as it deems  
321 necessary and proper. The utility authority shall be exempt from  
322 the provisions of Section 25-3-39.

323 **SECTION 7.** (1) The utility authority shall have the power,  
324 duty and responsibility to exercise general supervision over the  
325 design, construction, operation and maintenance of water,  
326 wastewater and storm water systems. The utility authority must  
327 abide by applicable state and federal law in exercising this  
328 authority.

329 (2) The utility authority shall adopt rules and regulations  
330 regarding the design, construction or installation, operation and  
331 maintenance of water, wastewater and storm water systems.

332 (3) The utility authority shall adopt rules and regulations  
333 regarding the use of decentralized treatment systems, individual  
334 on-site wastewater treatment systems and centralized wastewater  
335 treatment systems.

336 (4) The utility authority shall adopt rules establishing  
337 performance standards for water, wastewater and storm water  
338 systems and the operation and maintenance of the same. Such rules



339 and regulations shall include the implementation of a standard  
340 application form for the installation, operation and maintenance  
341 of such systems; application review; approval or denial procedures  
342 for any proposed system; inspection, monitoring and reporting  
343 guidelines; and enforcement procedures.

344 (5) (a) Before a building or development which requires the  
345 installation of a water, wastewater or storm water system is  
346 constructed, the system must be submitted to the utility authority  
347 for certification that the system complies with the utility  
348 authority requirements for such system.

349 (b) Before approving or renewing a water, wastewater or  
350 storm water related permit for a system within a utility  
351 authority, the state agency must require certification that the  
352 system complies with the requirements of the utility authority.

353 (6) Any system of any municipality, public agency or other  
354 persons which contracts with a utility authority shall be subject  
355 to the terms of that contract and the terms of this act.

356 (7) Notwithstanding the provisions of Section 51-39-1 et  
357 seq., the utility authority shall have the full power to adopt  
358 rules and regulations and to construct, maintain, lease and  
359 operate facilities for the control of storm water quality and  
360 quantity. In addition, the provisions of Section 51-33-1 relating  
361 to drainage districts and flood control districts do not apply to  
362 the utility authority.



363           (8) The utility authority may control and operate the local  
364 retail water, wastewater or storm water services and may provide  
365 or be responsible for direct servicing of those services to  
366 residences, businesses and individuals; however, the utility  
367 authority shall not provide the same service in an area provided  
368 by a public utility or person holding a certificate of public  
369 convenience and necessity issued by the Mississippi Public Service  
370 Commission for the provision of such services in the certificated  
371 area.

372           (9) The utility authority shall enter into contracts for  
373 major procurements after bidding. The utility authority may adopt  
374 administrative rules and regulations pursuant to the provisions of  
375 this act providing for special procedures whereby the utility  
376 authority may make any class of procurement.

377           (10) In its bidding processes, the utility authority may do  
378 its own bidding and procurement or may utilize the services of the  
379 Department of Finance and Administration, the Department of  
380 Information Technology Services or other state agencies as  
381 appropriate and necessary.

382           (11) The utility authority shall only have oversight or  
383 control of wastewater service provided to ratepayers in the City  
384 of Ridgeland, which is only served by the wastewater system as of  
385 the effective date of this act. To maintain consistency with the  
386 agreement in place with the City of Jackson prior to the existence  
387 of the utility authority, the City of Ridgeland shall have control



over its rate structure, with the City of Ridgeland compensating the utility authority for its prorated share of wastewater conveyance, treatment, capital improvements and debt service.

(12) The utility authority shall maintain all west/south Jackson water well systems within the City of Jackson as either a primary source or alternative source of water for the residents of the City of Jackson who receive water from such systems.

**SECTION 8.** (1) The utility authority, in addition to any other powers granted under any other provision of law is authorized:

(a) To acquire, construct, improve, enlarge, extend, repair, operate and maintain one or more of its systems used for the collection, transportation, treatment and disposal of water, wastewater and storm water;

(b) To make contracts with any person in furtherance thereof; and to make contracts with any person, under the terms of which the utility authority will collect, transport, treat or dispose of water, wastewater and storm water for such person, and to cancel any contracts existing as of the date of enactment of this act;

(c) To make contracts with any person to design and construct any water, wastewater and storm water systems or facilities, and thereafter to purchase, lease or sell, by installments over such terms as may be deemed desirable,



412 reasonable and necessary, or otherwise, any such system or  
413 systems;

414           (d) To enter into operating agreements with any person,  
415 for such terms and upon such conditions as may be deemed  
416 desirable, for the operation of any water, wastewater and storm  
417 water systems; and the utility authority may lease to or from any  
418 person, for such term and upon such conditions as may be deemed  
419 desirable, any water, wastewater and storm water collection,  
420 transportation, treatment or its other facilities or systems. Any  
421 such contract may contain provisions requiring any public agency  
422 or other person to regulate the quality and strength of materials  
423 to be handled by the respective system or systems and also may  
424 provide that the utility authority shall have the right to use any  
425 streets, alleys and public ways and places within the jurisdiction  
426 of a public agency or other person during the term of the  
427 contract;

428           (e) To enter into contracts with any person or any  
429 public agency, including, but not limited to, contracts authorized  
430 by this act, in furtherance of any of the purposes authorized  
431 under this act upon such consideration as the board of directors  
432 and such person may agree. Any such contract may extend over any  
433 period of time, notwithstanding any provision or rule of law to  
434 the contrary; may be upon such terms and for such consideration,  
435 nominal or otherwise, as the parties thereto shall agree; and may  
436 provide that it shall continue in effect until bonds specified



437 therein, refunding bonds issued in lieu of such bonds, and all  
438 other obligations specified therein are paid or terminated. Any  
439 such contract shall be binding upon the parties thereto according  
440 to its terms;

441 (f) To sue and be sued, in its own name, and to enjoy  
442 all of the protections, immunities and benefits provided by the  
443 Mississippi Tort Claims Act, Section 11-46-1 et seq., as it may be  
444 amended or supplemented from time to time;

445 (g) To maintain office space at such place or places  
446 within the utility authority's boundaries as it may determine;

447 (h) To invest money of the utility authority, including  
448 proceeds from the sale of any bonds subject to any agreements with  
449 bondholders, on such terms and in such manner as the utility  
450 authority deems proper;

451 (i) To pay any outstanding City of Jackson bonds  
452 relating to the water and sewer systems under their existing  
453 terms;

454 (j) To require the necessary relocation or rerouting of  
455 roads and highways, railroad, telephone and telegraph lines, and  
456 properties, electric power lines, gas pipelines and related  
457 facilities, or to require the anchoring or other protection of any  
458 of these, provided fair compensation is first paid to the owners  
459 or an agreement with such owners regarding the payment of the cost  
460 of such relocation, and to acquire easements or rights-of-way for  
461 such relocation or rerouting and to convey the same to the owners





462 of the property being relocated or rerouted in connection with the  
463 purposes of this act. This provision shall be in accordance with  
464 Mississippi Constitution Article 17A, Section 11-27-30, and House  
465 Bill No. 1769 as passed during the 2022 Legislative Session;

466           (k) To acquire, construct, improve or modify, to  
467 operate or cause to be operated and maintained, either as owner of  
468 all or of any part in common with others, any water, wastewater or  
469 storm water system within the utility authority's service area.  
470 The utility authority may pay all or part of the cost of any  
471 system from any contribution by persons, firms, public agencies or  
472 corporations. The utility authority may receive, accept and use  
473 all funds, public or private, and pay all costs of the  
474 development, implementation and maintenance as may be determined  
475 as necessary for any project;

476           (l) To acquire, in its own name, by purchase on any  
477 terms and conditions and in any manner as it may deem proper,  
478 property for public use, or by gift, grant, lease, or otherwise,  
479 real property or easements therein, franchises and personal  
480 property necessary or convenient for its corporate purposes. This  
481 provision shall be in accordance with Mississippi Constitution  
482 Article 17A, Section 11-27-30, and House Bill No. 1769 as passed  
483 during the 2022 Legislative Session;

484           (m) To acquire insurance for the utility authority's  
485 systems, facilities, buildings, treatment plants and all property,





511 management of its business and affairs and for the construction,  
512 use, maintenance and operation of any of the systems under its  
513 management and control;

514 (q) To employ and terminate staff and other personnel,  
515 including attorneys, engineers and consultants as may be necessary  
516 to the functioning of the utility authority;

517 (r) To establish and maintain rates, fees and any other  
518 charges for services and the use of systems and facilities within  
519 the control of the utility authority, and from time to time, to  
520 adjust such rates, fees and any other charges to the end that the  
521 revenues therefrom will be sufficient at all times to pay the  
522 expenses of operating and maintaining of the facilities and  
523 treatment systems and all of the persons' obligations under any  
524 contract or bonds resolution with respect thereto or any  
525 obligation of any person under any agreement, contract, indenture  
526 or bonds resolution with respect thereto. Such rates, fees,  
527 assessments and any other charges shall be subject to the  
528 jurisdiction of the Mississippi Public Service Commission. Such  
529 rates, fees, assessments or any other charges shall be equal as  
530 levied on citizens throughout the utility authority's boundaries.  
531 For purposes of Section 77-3-33, the rates charged by the utility  
532 authority shall be just and reasonable if they are adequate to  
533 provide safe and reliable water, wastewater and storm water  
534 service to its customers, including providing an adequate amount  
535 of capital for the utility authority to perform such repairs,



536 upgrades and improvements as it deems necessary on an ongoing  
537 basis. The Mississippi Public Service Commission shall defer to  
538 the utility authority's determination of what rates are just and  
539 reasonable absent a showing of manifest error;

540 (s) To adopt rules and regulations necessary to  
541 accomplish the purposes of the utility authority and to assure the  
542 payment of each participating person or public agency of its  
543 proportionate share of the costs for use of any of the systems and  
544 facilities of the utility authority and for the utility  
545 authority's proportionate share of the costs of the board;

546 (t) To enter on public or private lands, waters or  
547 premises for the purpose of making surveys, borings or soundings,  
548 or conducting tests, examinations or inspections for the purposes  
549 of the authority, subject to responsibility for any damage done to  
550 property entered;

551 (u) To accept industrial wastewater from within the  
552 boundaries of the utility authority for treatment and to require  
553 the pretreatment of same when, in the opinion of the utility  
554 authority, such pretreatment is necessary;

555 (v) To control and operate local retail water,  
556 wastewater and storm water services, and may provide or be  
557 responsible for direct servicing of those services to residences,  
558 businesses and individuals; however, the utility authority shall  
559 not provide the same services in an area provided by a public  
560 utility or person holding a certificate of public convenience and



561 necessity issued by the Mississippi Public Service Commission for  
562 the provision of such services in the certificated area;

563 (w) To assume control and administer, within the  
564 utility authority's jurisdiction, any water, wastewater or storm  
565 water system or systems by agreement or contract with any person  
566 if the person providing such services requests to be relieved of  
567 that responsibility. However, the person may maintain control  
568 over connections in their service areas and may charge rates, fees  
569 and any other charges in addition to the rates, fees and any  
570 charges of the utility authority;

571 (x) To acquire property designated by plan to  
572 sufficiently accommodate the location of water, wastewater or  
573 storm water systems and such requirements related directly thereto  
574 pursuant to the provisions of Title 11, Chapter 27, Mississippi  
575 Code of 1972. The utility authority may acquire property  
576 necessary for any system and the exercise of the powers, rights  
577 and duties conferred upon the utility authority by this act. No  
578 person owning the drilling rights or the right to share in  
579 production shall be prevented from exploring, developing or  
580 producing oil or gas with necessary rights-of-way for ingress and  
581 egress, pipelines and other means of transporting such interests  
582 on any lands or interest of the utility authority held or used for  
583 the purposes of this act, but any such activities shall be subject  
584 to reasonable regulations by the board of directors that will  
585 adequately protect the systems or projects of the utility



586 authority. This provision shall be in accordance with Mississippi  
587 Constitution Article 17A and House Bill No. 1769 as passed during  
588 the 2022 Legislative Session;

589 (y) To use any legally available funds to acquire,  
590 rebuild, operate and maintain any existing water, wastewater or  
591 storm water systems owned or operated by any person;

592 (z) To refuse to receive water, wastewater or storm  
593 water from any public agency or person, except with regard to  
594 municipalities or other areas within the service territory of the  
595 systems as of the effective date of this act;

596 (aa) So long as any indebtedness on the systems of the  
597 utility authority remains outstanding, to require a member public  
598 agency, or other person, that all water, wastewater and storm  
599 water within the boundaries of the respective utility authority be  
600 disposed of through the appropriate treatment system to the extent  
601 that the same may be available, but no public agency shall be  
602 precluded from constructing, operating and maintaining its own  
603 such system after the current indebtedness owing on the system as  
604 of the date of enactment of this act, is paid in full; and

605 (bb) To adopt a seal and a symbol, and hold patents,  
606 copyrights, trademarks, and service marks and enforce its rights  
607 with respect thereto.

608 (3) The utility authority shall:

609 (a) Submit annual reports to the Governor, Lieutenant  
610 Governor, Speaker of the House of Representatives, State Auditor,



611 Joint Legislative Committee on Performance Evaluation and  
612 Expenditure Review and the governing authorities of any  
613 municipality whose citizens are within the utility authority's  
614 boundaries regarding the water quality and financial conditions of  
615 such system or systems, as well as a schedule of currently planned  
616 repairs, upgrades or improvements planned by the utility  
617 authority;

618 (b) Immediately submit to the Governor, Lieutenant  
619 Governor, Speaker of the House of Representatives and the  
620 governing authorities of any municipality whose citizens are  
621 within the utility authority's boundaries any information received  
622 from the Mississippi Department of Health or Department of  
623 Environmental Quality or other state or federal regulatory  
624 agencies regarding the condition of a transferred eligible  
625 municipal system. The utility authority, in addition to abiding  
626 by any other federal or state reporting requirements, must also  
627 report such information to the public on its website and to  
628 individuals residing within the municipality as required by  
629 federal or state law;

630 (c) Publish audited annual financial statements, which  
631 shall be made available to the public. The annual financial  
632 statements shall include disposition of all funds expended by the  
633 Utility authority for any purpose. Quarterly financial statements  
634 shall be made available to the public by posting on the utility  
635 authority's website;



636 (d) Adopt by administrative rules and regulations a  
637 system of continuous internal audits;

638 (e) Adopt by administrative rules and regulations a  
639 code of ethics for officers and employees of the utility authority  
640 to carry out the standards of conduct established by this act; and

641 (f) Adopt by administrative rules and regulations  
642 guidelines for the disposal of property if the utility authority  
643 is dissolved. Such administrative rules and regulations shall  
644 include that management and control of the systems shall revert to  
645 the City of Jackson.

646 **SECTION 9.** (1) The Executive Director, as executive  
647 director of the utility authority, if so appointed by the utility  
648 authority, shall direct and supervise all administrative and  
649 technical activities in accordance with the provisions of this  
650 act, within the administrative rules and regulations adopted by  
651 the board, and in accordance with industry practice. The  
652 Executive Director shall:

653 (a) Supervise and administer or contract for the  
654 supervision and administration of the water, wastewater and storm  
655 water systems owned, managed or controlled by the utility  
656 authority.

657 (b) Employ and direct such personnel as may be  
658 necessary to carry out the purposes of this act and utilize such  
659 services, personnel or facilities of the utility authority as he  
660 or she may deem necessary.





661 (c) Make available for inspection by the board or any  
662 member of the board or the Governor, Lieutenant Governor, Speaker  
663 of the House or the governing authorities of any municipality  
664 whose citizens are served by the utility authority, upon request,  
665 all books, records, files and other information and documents of  
666 his or her office and advise the board and recommend such  
667 administrative rules and regulations and other matters he or she  
668 deems necessary and advisable to improve the operation and  
669 administration of the utility authority.

670 (d) Attend meetings of the board or appoint a designee  
671 to attend on his or her behalf.

672 (e) Not later than thirty (30) days before the  
673 beginning of the utility authority's fiscal year, submit the  
674 proposed annual budget of the utility authority to the board for  
675 review and approval. This shall include a schedule of planned  
676 repairs, upgrades or improvements to the systems and the  
677 anticipated capital cost of each. In addition, the proposed  
678 annual budget of the utility authority shall include a personnel  
679 table reporting information for each full-time and part-time  
680 permanent position, as follows:

681 (i) The position title and the salary for each  
682 position in the existing operating budget for the current fiscal  
683 year, indicating whether each position is filled or vacant as of  
684 the reporting date; and



685                   (ii) The position title and the salary recommended  
686 for each position for the next fiscal year.

687                   (f) The Executive Director shall require bond of Fifty  
688 Thousand Dollars (\$50,000.00) from employees with access to funds  
689 or in such an amount as provided in the administrative rules and  
690 regulations of the board.

691                   (2) The Executive Director may:

692                   (a) Require bond from other employees as he or she  
693 deems necessary;

694                   (b) For good cause, and with approval from the majority  
695 of the board, suspend, revoke or refuse to renew any contract  
696 entered into in accordance with this act or the administrative  
697 rules and regulations of the board; and

698                   (c) Upon specific or general approval of the board,  
699 enter into personal service contracts pursuant to administrative  
700 rules and regulations adopted by the board and compensate such  
701 consultants and technical assistants as may be required to carry  
702 out the provisions of this act.

703                   (3) Agencies, departments or units of state government,  
704 including, but not limited to, the Mississippi Department of  
705 Health and the Mississippi Department of Environmental Quality,  
706 shall cooperate with the utility authority to regulate the utility  
707 authority and assure the effective operation of the utility  
708 authority's systems, with the understanding that such agencies act  
709 as a regulator and not operator of such systems. All state



710 officers are hereby empowered and required to render such services  
711 to the utility authority within their respective functions as may  
712 be requested by the utility authority.

713 **SECTION 10.** Employees of the utility authority shall serve  
714 at the will and pleasure of the Executive Director who shall  
715 determine their compensation and benefits. The compensation of  
716 officers at the division head level and above shall be determined  
717 by the board.

718 **SECTION 11.** Neither the directors of the utility authority,  
719 the board, its employees, nor any person or persons acting on  
720 their behalf, while acting within the scope of their authority,  
721 shall be subject to personal liability resulting from carrying out  
722 any of the powers granted herein in accordance with his or her  
723 good-faith belief that he or she is acting in the best interests  
724 of the utility authority.

725 **SECTION 12.** (1) The utility authority shall enter into its  
726 contracts for major procurements after a competitive and open  
727 procurement process. The utility authority may adopt  
728 administrative rules and regulations pursuant to the provisions of  
729 this act providing for special procedures whereby the utility  
730 authority may make any class of procurement. The utility  
731 authority shall endeavor to ensure the transparency and  
732 competitiveness of procurements of all sizes.

733 (2) In its bidding processes, the utility authority may do  
734 its own bidding and procurement or may utilize the services of



735 other state agencies as appropriate and necessary. The Executive  
736 Director may, with the approval of a majority of the board,  
737 declare an emergency for purchasing purposes which shall be  
738 governed by the administrative rules and regulations adopted by  
739 the board.

740 **SECTION 13.** All monies received by the utility authority  
741 shall be deposited into an operating account. Such account shall  
742 be established in a custodian financial institution domiciled in  
743 the State of Mississippi, insured by the Federal Deposit Insurance  
744 Corporation and collateralized as prescribed by Section 27-105-5.

745 **SECTION 14.** All division heads, officers and employees of  
746 the utility authority shall be considered public servants as  
747 defined in Section 25-4-103. All division heads and officers of  
748 the utility authority are subject to Section 25-4-25 and shall be  
749 required to file a Statement of Economic Interest with the  
750 Mississippi Ethics Commission.

751 **SECTION 15.** (1) Any public agency or person, pursuant to a  
752 duly adopted resolution of the governing body of such public  
753 agency or person, may enter into contracts with the utility  
754 authority under the terms of which the utility authority will  
755 manage, operate and contract for usage of its systems and  
756 facilities, or other services, for such person or public agency.  
757 (2) Any public agency or person may enter into contracts  
758 with the utility authority for the utility authority to purchase  
759 or sell, by installments over such terms as may be deemed



760 desirable, or otherwise, to any person or any systems. Any public  
761 agency may sell, donate, convey, or otherwise dispose of water,  
762 wastewater and storm water facilities or systems; or any  
763 equipment, personal property or any other things, deemed necessary  
764 for the construction, operation, and maintenance to the utility  
765 authority without the necessity of appraisal, advertising, or  
766 bidding. This section creates an alternative method of disposal  
767 of public property.

768 (3) Any public agency is authorized to enter into operating  
769 agreements with the utility authority, for such terms and upon  
770 such conditions as may be deemed desirable, for the operation of  
771 any of its systems of any person by the utility authority or by  
772 any person contracting with the utility authority to operate such  
773 systems.

774 (4) Any public agency may lease to or from the utility  
775 authority, for such term and upon such conditions as may be deemed  
776 desirable, any of its systems.

777 (5) Any municipality or county may donate office space,  
778 equipment, supplies, and materials to the utility authority.

779 (6) Any such contract may contain provisions requiring any  
780 public agency or other person to regulate the quality and strength  
781 of the material to be handled by the wastewater or storm water  
782 systems and may also provide that the utility authority shall have  
783 the right to use any streets, alleys and public ways and places  
784 within the jurisdiction of a public agency or other person during



785 the term of the contract. Such contracts may obligate the public  
786 agency to make payments to the utility authority or to a trustee  
787 in amounts which shall be sufficient to enable the utility  
788 authority to defray the expenses of administering, operating and  
789 maintaining its respective systems, to pay interest and principal  
790 (whether at maturity upon redemption or otherwise) on bonds of the  
791 utility authority, issued under this act and to fund reserves for  
792 debt service, for operation and maintenance and for renewals and  
793 replacements, to fulfill the requirements of any rate covenant  
794 with respect to debt service coverage contained in any resolution,  
795 trust indenture or other security agreement relating to the bonds  
796 of the utility authority issued under this act or to fulfill any  
797 other requirement relating to bonds issued pursuant to this act.

798 (7) Any public agency shall have the power to enter into  
799 such contracts with the utility authority as in the discretion of  
800 the governing body of the public agency would be in the best  
801 interest of the public agency. Such contracts may include a  
802 pledge of the full faith and credit of such public agency and/or  
803 the avails of any special assessments made by such public agency  
804 against property receiving benefits, as now or hereafter are  
805 provided by law. Any such contract may provide for the sale, or  
806 lease to, or use of by the utility authority, of the systems or  
807 any part thereof, of the public agency; and may provide that the  
808 utility authority shall operate its systems or any part thereof of  
809 the public agency; and may provide that any public agency shall



810 have the right to continued use and/or priority use of the systems  
811 or any part thereof during the useful life thereof upon payment of  
812 reasonable charges therefor; and may contain provisions to assure  
813 equitable treatment of persons or public agencies who contract  
814 with the utility authority under this act; and may contain such  
815 other provisions and requirements as the parties thereto may  
816 determine to be appropriate or necessary. Such contracts may  
817 extend over any period of time, notwithstanding any provisions of  
818 law to the contrary, and may extend beyond the life of the  
819 respective systems or any part thereof or the term of the bonds  
820 sold with respect to such facilities or improvements thereto.

821 (8) The obligations of a public agency arising under the  
822 terms of any contract referred to in this act, whether or not  
823 payable solely from a pledge of revenues, shall not be included  
824 within the indebtedness limitations of the public agency for  
825 purposes of any constitutional or statutory limitation or  
826 provision. To the extent provided in such contract and to the  
827 extent such obligations of the public agency are payable wholly or  
828 in part from the revenues and other monies derived by the public  
829 agency from the operation of its systems or of its combined  
830 systems, or any part thereof, such obligations shall be treated as  
831 expenses of operating such systems.

832 (9) Contracts referred to in this section may also provide  
833 for payments in the form of contributions to defray the cost of  
834 any purpose set forth in the contracts and as advances for the



835 respective systems or any part thereof subject to repayment by the  
836 utility authority. A public agency may make such contributions or  
837 advances from its general fund or surplus fund or from special  
838 assessments or from any monies legally available therefor.

839 (10) Subject to the terms of a contract or contracts  
840 referred to in this act, the utility authority is hereby  
841 authorized to do and perform any and all acts or things necessary,  
842 convenient or desirable to carry out the purposes of such  
843 contracts, including the fixing, charging, collecting, maintaining  
844 and revising of rates, fees and other charges for the services  
845 rendered to any user of any of the systems operated or maintained  
846 by the utility authority, whether or not such systems are owned by  
847 the utility authority.

848 (11) No provision of this act shall be construed to prohibit  
849 any public agency, otherwise permitted by law to issue bonds, from  
850 issuing bonds in the manner provided by law for the construction,  
851 renovation, repair or development of any of the utility  
852 authority's systems, or any part thereof, owned or operated by  
853 such public agency.

854 **SECTION 16.** Whenever a public agency shall have executed a  
855 contract under this act and the payments thereunder are to be made  
856 either wholly or partly from the revenues of the public agency's  
857 systems, or any part thereof, or a combination of such systems,  
858 the duty is hereby imposed on the public agency to establish and  
859 maintain and from time to time to adjust the rate or fees charged





860 by the public agency for the services of such systems, so that the  
861 revenues therefrom, together with any taxes and special  
862 assessments levied in support thereof, will be sufficient at all  
863 times to pay:

864 (a) The expense of operating and maintaining such  
865 systems, including, but not limited to, all of the public agency's  
866 obligations to the utility authority and the cost required to  
867 staff such systems, its successors or assigns under such contract;  
868 and

869 (b) All of the public agency's obligations under and in  
870 connection with bonds theretofore issued, or which may be issued  
871 thereafter and secured by the revenues of such systems. Any such  
872 contract may require the use of consulting engineers and financial  
873 experts to advise the public agency whether and when such rates  
874 and fees are to be adjusted.

875 **SECTION 17.** (1) Notwithstanding the provisions of Sections  
876 77-3-21 and 77-3-23, the certificate of public convenience and  
877 necessity held by any municipality, public agency, district,  
878 public utility or other person authorized by law to provide water,  
879 sewer and wastewater services may be cancelled and its powers,  
880 duties and responsibilities transferred to the utility authority  
881 in the manner provided by this section.

882 (2) Any entity described in subsection (1) of this section  
883 desiring to have its certificate of public convenience and  
884 necessity cancelled and its powers, duties and responsibilities



885 transferred to the utility authority shall make a determination to  
886 that effect on its official minutes if a public entity, or by  
887 affidavit if not a public entity, and transmit such determination  
888 to the utility authority.

889 (3) Upon receipt of the document evidencing such  
890 determination from an entity to transfer its powers, duties and  
891 responsibilities to the utility authority, the utility authority  
892 shall, by resolution, declare whether it is willing and able to  
893 accept such transfer from the entity.

894 (4) Upon completion of the requirements of subsections (2)  
895 and (3) of this section herein and agreement by both parties to  
896 the transfer, the holder of the certificate of public convenience  
897 and necessity and the utility authority shall jointly petition the  
898 Public Service Commission to cancel the certificate of public  
899 convenience and necessity. The petition must be accompanied by  
900 copies of the official minutes, affidavit or resolution, as the  
901 case may be, reflecting the actions of the petitioners. After  
902 review of the petition and any other evidence as the Public  
903 Service Commission deems necessary, the commission may issue an  
904 order canceling the certificate and transferring to the utility  
905 authority the powers, duties and responsibilities granted by the  
906 certificate, including all assets and debts of the transferor  
907 petitioner related to such certificated services, real or  
908 personal, or both, if it finds that:



909 (a) Subsections (2) and (3) of this section have been  
910 complied with; and

911 (b) Such action is in the public interest.

912 (5) The utility authority and providers of water, sewer,  
913 wastewater and storm water services that are not holders of a  
914 certificate of a public convenience and necessity from the Public  
915 Service Commission may enter into agreements for the provision of  
916 such services, including, but not limited to, the transfer to the  
917 utility authority of such provider's powers, duties,  
918 responsibilities, assets and debts.

919 (6) Nothing herein shall require the City of Byram or City  
920 of Ridgeland, which were served by the utility authority as of the  
921 date of enactment of this act, to remain within the boundaries of  
922 the utility authority.

923 **SECTION 18.** (1) Any system of a municipality, public agency  
924 or person that becomes subject to the jurisdiction of a utility  
925 authority and this act shall not impair, invalidate or abrogate  
926 any liens, bonds or other certificates of indebtedness related to  
927 water, storm water or wastewater facilities and systems incurred  
928 prior to becoming subject to the jurisdiction of the utility  
929 authority.

930 (2) The utility authority may do and perform any and all  
931 acts necessary, convenient or desirable to ensure the payment,  
932 redemption or satisfaction of such liens, bonds or other  
933 certificates of indebtedness.



**SECTION 19.**

(1) Sections 18 through 27 of this act apply to all bonds to be issued after the date of enactment of this act, and such provisions shall not affect, limit or alter the rights and powers of any utility authority under this act or any law of Mississippi to conduct the activities referred to herein in any way pertinent to the interests of the bondholders, including, without limitation, such utility authority's right to charge and collect rates, fees and charges and to fulfill the terms of any covenants made with the registered owners of any existing bonds, or in any other way impair the rights and remedies of the registered owners of any existing bonds, unless provision for full payment of such bonds, by escrow or otherwise, has been made pursuant to the terms of the bonds or the resolution, trust indenture or security interest securing the bonds.

(2) The utility authority shall have the power and is hereby authorized, from time to time, to borrow money and to issue revenue bonds and interim notes in such principal amounts as the utility authority may determine to be necessary to provide sufficient funds for achieving one or more of the purposes of this act, including, without limiting the generality of the foregoing, to defray all the costs of the project, the cost of the acquisition, construction, improvement, repair or extension of a system, or any part thereof, whether or not such facilities are owned by the utility authority, the payment of interest on bonds of the utility authority issued pursuant to this act,



959 establishment of reserves to secure such bonds and payment of the  
960 interest thereon, expenses incident to the issuance of such bonds  
961 and to the implementation of the utility authority's system, and  
962 all other expenditures of the utility authority incident to or  
963 necessary or convenient to carry out the purposes of this act.

964 (3) Before issuing bonds, other than interim notes or  
965 refunding bonds as provided in Section 20 of this act, the board  
966 of directors of the utility authority shall adopt a resolution  
967 declaring its intention to issue such bonds and stating the  
968 maximum principal amount of bonds proposed to be issued, a general  
969 generic description of the proposed improvements and the proposed  
970 location thereof and the date, time and place at which the board  
971 of directors proposes to take further action with respect to the  
972 issuance of such bonds. The resolution shall be published once a  
973 week for at least three (3) consecutive weeks in at least one (1)  
974 newspaper having a general circulation within the geographical  
975 limits of all of the public agencies which have contracted with  
976 the utility authority pursuant to this act.

977 (4) Bonds of the utility authority issued pursuant to this  
978 act shall be payable from and secured by a pledge of all or any  
979 part of the revenues under one or more contracts entered into  
980 pursuant to this act between the utility authority and one or more  
981 of its contracting public agencies and from all or any part of the  
982 revenues derived from the operation of any designated system or  
983 any part or parts thereof and any other monies legally available



984 and designated therefor, as may be determined by such utility  
985 authority, subject only to any agreement with the purchasers of  
986 the bonds. Such bonds may be further secured by a trust indenture  
987 between such utility authority and a corporate trustee, which may  
988 be any trust company or bank having powers of a trust company  
989 without or within the state.

990 (5) Bonds of the utility authority issued pursuant to this  
991 act shall be authorized by a resolution or resolutions adopted by  
992 a majority affirmative vote of the total membership of the board  
993 of directors of the utility authority. Such bonds may be issued  
994 in series, and each series of such bonds shall bear such date or  
995 dates, mature at such time or times, bear interest at such rate or  
996 rates (not exceeding the maximum rate set out in Section  
997 75-17-103, Mississippi Code of 1972), be in such denomination or  
998 denominations, be in such form, carry such conversion privileges,  
999 have such rank or priority, be executed in such manner and by such  
1000 officers, be payable from such sources in such medium of payment  
1001 at such place or places within or without the state, provided that  
1002 one such place shall be within the state, and be subject to such  
1003 terms of redemption prior to maturity, all as may be provided by  
1004 resolution or resolutions of the board of directors. The term of  
1005 such bonds issued pursuant to this act shall not exceed forty (40)  
1006 years.

1007 (6) Bonds of the utility authority issued pursuant to this  
1008 act may be sold at such price or prices, at public or private



1009 sale, in such manner and at such times as may be determined by  
1010 such utility authority to be in the public interest, and such  
1011 utility authority may pay all expenses, premiums, fees and  
1012 commissions which it may deem necessary and advantageous in  
1013 connection with the issuance and sale thereof.

1014 (7) Any pledge of earnings, revenues or other monies made by  
1015 the utility authority shall be valid and binding from the time the  
1016 pledge is made. The earnings, revenues or other monies so pledged  
1017 and thereafter received by such utility authority shall  
1018 immediately be subject to the lien of such pledge without any  
1019 physical delivery thereof or further act, and the lien of any such  
1020 pledge shall be valid and binding as against all parties having  
1021 claims of any kind in tort, contract or otherwise against such  
1022 utility authority irrespective of whether such parties have notice  
1023 thereof. Neither the resolution nor any other instrument by which  
1024 a pledge is created need be recorded.

1025 (8) Neither the members of the board of directors nor any  
1026 person executing the bonds shall be personally liable on the bonds  
1027 or be subject to any personal liability or accountability by  
1028 reason of the issuance thereof.

1029 (9) Proceeds from the sale of bonds of the utility authority  
1030 may be invested, pending their use, in such securities as may be  
1031 specified in the resolution authorizing the issuance of the bonds  
1032 or the trust indenture securing them, and the earnings on such



1033 investments applied as provided in such resolution or trust  
1034 indenture.

1035       (10) Whenever any bonds shall have been signed by the  
1036 officer(s) designated by the resolution of the board of directors  
1037 to sign the bonds who were in office at the time of such signing  
1038 but who may have ceased to be such officer(s) prior to the sale  
1039 and delivery of such bonds, or who may not have been in office on  
1040 the date such bonds may bear, the manual or facsimile signatures  
1041 of such officer(s) upon such bonds shall nevertheless be valid and  
1042 sufficient for all purposes and have the same effect as if the  
1043 person so officially executing such bonds had remained in office  
1044 until the delivery of the same to the purchaser or had been in  
1045 office on the date such bonds may bear.

1046       (11) The utility authority has the discretion to advance or  
1047 borrow funds needed to satisfy any short-term cash flow demands or  
1048 deficiencies or to cover start-up costs until such time as  
1049 sufficient bonds, assets and revenues have been secured to satisfy  
1050 the needs of the utility authority.

1051       **SECTION 20.** (1) The utility authority may, by resolution  
1052 adopted by its board of directors, issue refunding bonds for the  
1053 purpose of paying any of its bonds at or prior to maturity or upon  
1054 acceleration or redemption. Refunding bonds may be issued at such  
1055 time prior to the maturity or redemption of the refunded bonds as  
1056 the board of directors deems to be in the public interest, without  
1057 an election on the question of the issuance thereof. The





1058 refunding bonds may be issued in sufficient amounts to pay or  
1059 provide the principal of the bonds being refunded, together with  
1060 any redemption premium thereon, any interest accrued or to accrue  
1061 to the date of payment of such bonds, the expenses of issue of the  
1062 refunding bonds, the expenses of redeeming the bonds being  
1063 refunded, and such reserves for debt service or other capital or  
1064 current expenses from the proceeds of such refunding bonds as may  
1065 be required by the resolution, trust indenture or other security  
1066 instruments. The issue of refunding bonds, the maturities and  
1067 other details thereof, the security therefor, the rights of the  
1068 holders and the rights, duties and obligations of the utility  
1069 authority in respect of the same shall be governed by the  
1070 provisions of this act relating to the issue of bonds other than  
1071 refunding bonds insofar as the same may be applicable. Any such  
1072 refunding may be effected, whether the obligations to be refunded  
1073 shall have then matured or shall thereafter mature, either by the  
1074 exchange of the refunding bonds for the obligations to be refunded  
1075 thereby with the consent of the holders of the obligations so to  
1076 be refunded, or by sale of the refunding bonds and the application  
1077 of the proceeds thereof to the payment of the obligations proposed  
1078 to be refunded thereby, and regardless of whether the obligations  
1079 proposed to be refunded shall be payable on the same date or  
1080 different dates or shall be due serially or otherwise.

1081 (2) Borrowing by the utility authority may be made by the  
1082 delivery of interim notes to any person or public agency or



financial institution by a majority vote of the board of directors.

**SECTION 21.** All bonds, other than refunding bonds, interim notes and certificates of indebtedness, which may be validated issued pursuant to this act shall be validated as now provided by law in Sections 31-13-1 through 31-13-11, Mississippi Code of 1972; however, notice of such validation proceedings shall be addressed to the citizens of the respective public agencies (a) which have contracted with the utility authority pursuant to this act, and (b) whose contracts and the payments to be made by the public agencies thereunder constitute security for the bonds of such utility authority proposed to be issued, and that such notice shall be published at least once in a newspaper or newspapers having a general circulation within the geographical boundaries of each of the contracting public agencies to whose citizens the notice is addressed. Such validation proceedings shall be instituted in any chancery courts within the boundaries of the utility authority. The validity of the bonds so validated and of the contracts and payments to be made by the public agencies thereunder constituting security for the bonds shall be forever conclusive against the utility authority and the public agencies, which are parties to said contracts; and the validity of said bonds and said contracts and the payments to be made thereunder shall never be called in question in any court in this state.



**SECTION 22.**

Bonds issued under the provisions of this act shall not be deemed to constitute, within the meaning of any constitutional or statutory limitation, an indebtedness of the utility authority or the state. Such bonds shall be payable solely from the revenues or assets of the utility authority pledged therefor. Each bond issued under this act shall contain on the face thereof a statement to the effect that such utility authority, nor the state, shall not be obligated to pay the same nor the interest thereon except from the revenues or assets pledged therefor.

**SECTION 23.**

The utility authority shall have power in connection with the issuance of its bonds pursuant to this act to:

(a) Covenant as to the use of any or all of its property, real or personal;

(b) Redeem the bonds, to covenant for their redemption and to provide the terms and conditions thereof;

(c) Covenant to charge rates, fees and charges sufficient to meet operating and maintenance expenses, renewals and replacements, principal and debt service on bonds, creation and maintenance of any reserves required by a bonds resolution, trust indenture or other security instrument and to provide for any margins or coverages over and above debt service on the bonds deemed desirable for the marketability of the bonds;

(d) Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds shall



1132 become or may be declared due before maturity, as to the terms and  
1133 conditions upon which such declaration and its consequences may be  
1134 waived and as to the consequences of default and the remedies of  
1135 the registered owners of the bonds;

1136           (e) Covenant as to the mortgage or pledge of or the  
1137 grant of a security interest in any real or personal property and  
1138 all or any part of the revenues from any designated system or any  
1139 part thereof or any revenue-producing contract or contracts made  
1140 by a utility authority with any person to secure the payment of  
1141 bonds, subject to such agreements with the registered owners of  
1142 bonds as may then exist;

1143           (f) Covenant as to the custody, collection, securing,  
1144 investment and payment of any revenues, assets, monies, funds or  
1145 property with respect to which a utility authority may have any  
1146 rights or interest;

1147           (g) Covenant as to the purposes to which the proceeds  
1148 from the sale of any bonds then or thereafter to be issued may be  
1149 applied, and the pledge of such proceeds to secure the payment of  
1150 the bonds;

1151           (h) Covenant as to the limitations on the issuance of  
1152 any additional bonds, the terms upon which additional bonds may be  
1153 issued and secured, and the refunding of outstanding bonds;

1154           (i) Covenant as to the rank or priority of any bonds  
1155 with respect to any lien or security;



1156           (j) Covenant as to the procedure by which the terms of  
1157 any contract with or for the benefit of the registered owners of  
1158 bonds may be amended or abrogated, the amount of bonds the  
1159 registered owners of which must consent thereto, and the manner in  
1160 which such consent may be given;

1161           (k) Covenant as to the custody of any of its properties  
1162 or investments, the safekeeping thereof, the insurance to be  
1163 carried thereon, and the use and disposition of insurance  
1164 proceeds;

1165           (l) Covenant as to the vesting in a trustee or  
1166 trustees, within or outside the state, of such properties, rights,  
1167 powers and duties in trust as such utility authority may  
1168 determine;

1169           (m) Covenant as to the appointing and providing for the  
1170 duties and obligations of a paying agent or paying agents or other  
1171 fiduciaries within or outside the state;

1172           (n) Make all other covenants and to do any and all such  
1173 acts and things as may be necessary or convenient or desirable in  
1174 order to secure its bonds, or in the absolute discretion of the  
1175 utility authority tend to make the bonds more marketable,  
1176 notwithstanding that such covenants, acts or things may not be  
1177 enumerated herein; it being the intention hereof to give any  
1178 utility authority power to do all things in the issuance of bonds  
1179 and in the provisions for security thereof which are not  
1180 inconsistent with the Constitution of the state; and



1181 (o) Execute all instruments necessary or convenient in  
1182 the exercise of the powers herein granted or in the performance of  
1183 covenants or duties, which may contain such covenants and  
1184 provisions, as any purchaser of the bonds of the utility authority  
1185 may reasonably require.

1186 **SECTION 24.** The utility authority may, in any authorizing  
1187 resolution of the board of directors, trust indenture or other  
1188 security instrument relating to its bonds issued pursuant to this  
1189 act, provide for the appointment of a trustee who shall have such  
1190 powers as are provided therein to represent the registered owners  
1191 of any issue of bonds in the enforcement or protection of their  
1192 rights under any such resolution, trust indenture or security  
1193 instrument. The utility authority may also provide in such  
1194 resolution, trust indenture or other security instrument that the  
1195 trustee, or in the event that the trustee so appointed shall fail  
1196 or decline to so protect and enforce such registered owners'  
1197 rights then such percentage of registered owners as shall be set  
1198 forth in, and subject to the provisions of, such resolution, trust  
1199 indenture or other security interest, may petition the court of  
1200 proper jurisdiction for the appointment of a receiver of the  
1201 utility authority's systems, the revenues of which are pledged to  
1202 the payment of the principal of and interest on the bonds of such  
1203 registered owners. Such receiver may exercise any power as may be  
1204 granted in any such resolution, trust indenture or security  
1205 instrument to enter upon and take possession of, acquire,



construct, reconstruct or operate and maintain such system, fix charges for services of the system and enforce collection thereof, and receive all revenues derived from such system or facilities and perform the public duties and carry out the contracts and obligations of such utility authority in the same manner as such utility authority itself might do, all under the direction of such court.

**SECTION 25.** (1) The exercise of the powers granted by this act will be in all respects for the benefit of the people of the state, for their well-being and prosperity and for the improvement of their social and economic conditions, and the utility authority shall not be required to pay any tax or assessment on any property owned by the utility authority under the provisions of this act or upon the income therefrom; nor shall the utility authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf.

(2) Any bonds issued by the utility authority under and pursuant to the provisions of this act, their transfer and the income therefrom shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state, excepting inheritance and gift taxes.

**SECTION 26.** All bonds issued under the provisions of this act shall be legal investments for trustees, other fiduciaries, savings banks, trust companies and insurance companies organized



1231 under the laws of the State of Mississippi; and such bonds shall  
1232 be legal securities which may be deposited with and shall be  
1233 received by all public officers and bodies of the state and all  
1234 municipalities and other political subdivisions thereof for the  
1235 purpose of securing the deposit of public funds.

1236 **SECTION 27.** The state hereby covenants with the registered  
1237 owners of any bonds of any utility authority that so long as the  
1238 bonds are outstanding and unpaid, the state will not limit or  
1239 alter the rights and powers of any utility authority under this  
1240 act to conduct the activities referred to herein in any way  
1241 pertinent to the interests of the bondholders, including, without  
1242 limitation, such utility authority's right to charge and collect  
1243 rates, fees, assessments and charges and to fulfill the terms of  
1244 any covenants made with the registered owners of the bonds, or in  
1245 any other way impair the rights and remedies of the registered  
1246 owners of the bonds, unless provision for full payment of such  
1247 bonds, by escrow or otherwise, has been made pursuant to the terms  
1248 of the bonds or the resolution, trust indenture or security  
1249 interest securing the bonds.

1250 **SECTION 28.** For the purposes of satisfying any temporary  
1251 cash flow demands and deficiencies, and to maintain a working  
1252 balance for the utility authority, the county, municipalities or  
1253 public agencies within the geographic boundaries of the utility  
1254 authority, or other persons, subject to their lawful authority to  
1255 do so, are authorized to advance, at any time, such funds which,





1256 in its discretion, are necessary, or borrow such funds by issuance  
1257 of notes, for initial capital contribution and to cover start-up  
1258 costs until such times as sufficient bonds, assets and revenues  
1259 have been secured to satisfy the needs of the utility authority  
1260 for its management, operation and formation. To this end, the  
1261 county, municipality, public agency or person, subject to their  
1262 lawful authority to do so, shall advance such funds, or borrow  
1263 such funds by issuance of notes, under such terms and conditions  
1264 as may be provided by resolution of the governing body, or other  
1265 persons as defined in this act, subject to their lawful authority  
1266 to do so, except that each such resolution shall state:

1267 (a) The need for the proceeds advanced or borrowed;

1268 (b) The amount to be advanced or the amount to be  
1269 borrowed;

1270 (c) The maximum principal amount of any note issued the  
1271 interest rate or maximum interest rate to be incurred, and the  
1272 maturity date of said note;

1273 (d) In addition, the governing body, or other persons  
1274 as defined in this act, subject to their lawful authority to do  
1275 so, may arrange for lines of credit with any bank, firm or person  
1276 for the purpose of providing an additional source of repayment for  
1277 notes issued pursuant to this section. Amounts drawn on a line of  
1278 credit may be evidenced by negotiable or nonnegotiable notes or  
1279 other evidences of indebtedness and contain such terms and  
1280 conditions as the governing body, or other persons as defined in



1281 this act, subject to their lawful authority to do so, may  
1282 authorize in the resolution approving the same;

1283 (e) The governing body of the county, municipalities or  
1284 other persons as defined in this act, subject to their lawful  
1285 authority to do so, may authorize the repayment of such advances,  
1286 notes, lines of credit and other debt incurred under this section,  
1287 along with all costs associated with the same, including, but not  
1288 limited to, rating agency fees, printing costs, legal fees, bank  
1289 or trust company fees, line of credit fees and other charges to be  
1290 reimbursed by the utility authority under such terms and  
1291 conditions as are reasonable and are to be provided for by  
1292 resolution of the governing body, or terms agreed upon with other  
1293 persons as defined in this act, subject to their lawful authority  
1294 to do so; and

1295 (f) In addition, the governing body of the county,  
1296 municipality or public agency may lease or donate office space and  
1297 equipment to the utility authority under such terms and conditions  
1298 as are reasonable and are to be provided for by resolution of the  
1299 governing body, or terms agreed upon by the utility authority.

1300 **SECTION 29.** This act being necessary for the welfare of the  
1301 state and its inhabitants shall be liberally construed to effect  
1302 the purposes thereof. If any section, provision, paragraph,  
1303 sentence, phrase or word of this act shall be held invalid by any  
1304 court of competent jurisdiction, the remainder of this act shall  
1305 not be affected thereby.



1306       **SECTION 30.** Sections 1 through 29 of this act shall be  
1307 codified in Title 77, Mississippi Code of 1972.

1308       **SECTION 31.** This act shall take effect and be in force from  
1309 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO CREATE THE MISSISSIPPI CAPITOL REGION UTILITY ACT;  
2 TO ESTABLISH THE MISSISSIPPI CAPITOL REGION UTILITY AUTHORITY; TO  
3 PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR AND A BOARD  
4 OF DIRECTORS FOR SUCH AUTHORITY; TO CLARIFY THE POWERS AND DUTIES  
5 OF SUCH BOARD; TO ENSURE ACCESS TO SAFE, CLEAN AND RELIABLE WATER  
6 FOR THE CITIZENS OF CENTRAL MISSISSIPPI; AND FOR RELATED PURPOSES.



**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS On S. B. No. 2822. On motion of Senator Polk, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed, title standing as stated, by the following vote:**

**Yeas--Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hill, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--52.**

**Nays--None.**

**Absent and those not voting----None.**

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**Mississippi House of Representatives  
2022 Regular Session**

**S. B. No. 2822 passed by the following vote:**

**Yeas--**Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (20th), Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Hopkins, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Scott, Shanks, Smith, Stamps, Steverson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Williamson, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--120.

**Nays--**Bomgar, Criswell. Total--2.

**Absent or those not voting--**None.

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**Mississippi House of Representatives  
2022 Regular Session**

**The conference report on S. B. No. 2822 was adopted by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Hopkins, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rushing, Sanders, Sanford, Scoggin, Shanks, Smith, Stamps, Stevenson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Williamson, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--116.**

**Nays--None.**

**Absent or those not voting--Bomgar, Brown (20th), Criswell, Kinkade, Scott.**

**Total--5.**

**Present--Rosebud. Total--1.**

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**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS.** The yeas and nays being taken, the Report of Conference Committee on S. B. No. 2822 (version 2) was adopted:

**Yeas--**Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--50.

**Nays--None.**

**Absent and those not voting--**Hill, Parks. Total--2.

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**Mississippi House of Representatives  
2022 Regular Session**

**The conference report on S. B. No. 2822 was adopted by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eubanks, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Holloway, Hood, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rushing, Sanders, Shanks, Smith, Stamps, Steverson, Straughter, Taylor, Thompson, Tubb, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Wright, Yancey, Yates, Zuber, Mr. Speaker. Total--108.**

**Nays--None.**

**Absent or those not voting--Bomgar, Brown (20th), Clark, Criswell, Hobgood-Wilkes, Hopkins, Sanford, Scoggin, Scott, Summers, Tullos, Williamson. Total--12.**

**Present--Rosebud, Young. Total--2.**

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**Mississippi House of Representatives  
2022 Regular Session**

**H. B. No. 1031 passed by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Horan, Horne, Huddleston, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Shanks, Smith, Stamps, Stevenson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--113.**

**Nays--Bailey, Bomgar, Brown (20th), Criswell, Eubanks, Hopkins, Williamson. Total--7.**

**Absent or those not voting--Haney. Total--1.**

**Present--Scott. Total--1.**

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**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS On H. B. No. 1031. On motion of Senator Polk, the rules were suspended, the bill considered engrossed, read the third time and, the yeas and nays being taken, it passed as amended, title standing as stated, by the following vote:**

**Yeas--Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hill, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. Total--50.**

**Nays--McDaniel, Sojourner. Total--2.**

**Absent and those not voting---None.**

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**Mississippi House of Representatives  
2022 Regular Session**

**The conference report on H. B. No. 1031 was adopted by the following vote:**

**Yeas--Aguirre, Anderson (110th), Anderson (122nd), Anthony, Arnold, Bailey, Bain, Banks, Barnett, Barton, Beckett, Bell (21st), Bell (65th), Bennett, Blackmon, Bounds, Boyd, Brown (70th), Burnett, Busby, Byrd, Calvert, Carpenter, Clark, Clarke, Cockerham, Crawford, Creekmore IV, Crudup, Currie, Darnell, Denton, Deweese, Eure, Evans (45th), Evans (91st), Faulkner, Felsher, Ford (54th), Ford (73rd), Foster, Gibbs (36th), Gibbs (72nd), Goodin, Guice, Hale, Haney, Harness, Hines, Hobgood-Wilkes, Holloway, Hood, Horan, Jackson, Johnson, Karriem, Kinkade, Ladner, Lamar, Lancaster, Mangold, Massengill, McCarty, McCray, McGee, McKnight, McLean, McLeod, Mickens, Miles, Mims, Morgan, Newman, Oliver, Osborne, Owen, Paden, Patterson, Pigott, Porter, Powell, Read, Reynolds, Roberson, Robinson, Rosebud, Rushing, Sanders, Sanford, Scoggin, Scott, Shanks, Smith, Stamps, Steverson, Straughter, Summers, Taylor, Thompson, Tubb, Tullos, Turner, Walker, Wallace, Watson, Weathersby, White, Williams-Barnes, Wright, Yancey, Yates, Young, Zuber, Mr. Speaker. Total--114.**

**Nays--Bomgar, Brown (20th), Criswell, Hopkins, Horne, Williamson. Total--6.**

**Absent or those not voting--Eubanks, Huddleston. Total--2.**

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**Mississippi State Senate  
2022 Regular Session**

**YEAS AND NAYS.** The yeas and nays being taken, the Report of Conference Committee on H. B. No. 1031 was adopted:

**Yeas--**Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Branning, Bryan, Butler A. (36th), Butler K. (38th), Carter, Caughman, Chassaniol, Chism, DeBar, DeLano, England, Fillingane, Frazier, Harkins, Hickman, Hill, Hopson, Horhn, Jackson (11th), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Moran, Norwood, Parker, Parks, Polk, Seymour, Simmons D. T. (12th), Simmons S. (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Younger. **Total--52.**

**Nays--None.**

**Absent and those not voting----None.**

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## **Judiciary B Meeting**

October 10, 2022

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">AUDIO TRANSCRIPT OF JUDICIARY B MEETING</p>	<p style="text-align: right;">Page 3</p> <p>1 and I'm a part of Jackson. I went to law 2 school here. I worked here. I had my first 3 job as a lawyer just a few blocks away in the 4 Heritage Building. I am a part of Jackson. 5 My daughter was born here. 6 I have, for the past twelve years, been 7 a member of this body. And of those twelve 8 years, as you know, three months out of the 9 year, I'm here. So over three years of my 10 life I've been down here as a member of this 11 body. 12 My youngest son is nine years old, so 13 that's one third of his life I've spent right 14 here. So Jackson is near and dear to my 15 heart. Jackson is my second home. So what 16 happens here in this City is important to me, 17 and it's going to be important to this 18 Committee. 19 So with that said, we began having 20 discussions back in July about having a 21 hearing on Jackson crime. I got with the 22 lady from Hinds, Ms. Yates, about getting 23 this set up, and she began getting speakers 24 and organizing today's agenda. And I do 25 think she's done a marvelous job of getting</p>
<p style="text-align: right;">Page 2</p> <p>1 COMMISSIONER BAINS: All right, I've got 2 09:00. We'll go ahead and get started. If 3 everybody can find a seat -- meeting members. 4 If there are any -- any other House members 5 in here, you're welcome to sit at the table. 6 You may not get -- you may not ask questions, 7 but I will let you sit at the table. But 8 we'll go ahead and get started. We got a big 9 agenda. Everybody has been handed -- handed 10 an agenda, all the members. 11 I want to thank everybody for being 12 here. This is a very, very important topic 13 for, not only the City of Jackson, but for 14 all of Mississippi. So I do want us to have 15 a very spirited debate and very informative 16 hearing here today. Now, our topic is crime 17 in Jackson, Jackson crime. And really, 18 what's going on. Now, people may under -- 19 ask, why are we doing this? And I say, well, 20 this is a problem for Mississippi, not just 21 for Jackson, but for the entire state. 22 Now, I live in Horns, Mississippi, as 23 you all know. I drive further than any 24 member of the legislature to get here. I'm 25 four hours away, but Jackson is a part of me,</p>	<p style="text-align: right;">Page 4</p> <p>1 people here and getting the proper 2 stakeholders here to testify. 3 Everybody that is on the agenda was 4 confirmed to be here, as late as Friday of 5 last week. Yesterday, at 12:00, Mayor 6 Lamumba, who was supposed to be here to speak 7 first, informed us that he was not going to 8 be here and informed us that he had some 9 sickness and was unable to be here. I 10 understand that at -- later that day at 04:00 11 in the afternoon, the Mayor and the Police 12 chief sent an email stating, unfortunately 13 the Mayor and Chief Davis will be unable to 14 attend the hearing. Please keep us posted as 15 to future events. So both of them told us 16 that they were not going to be here. 17 Neither correspondence was any 18 representative offered in their -- in their 19 replacement to provide any of the information 20 that we're asking for. They did not offer us 21 a representative on their behalf to come and 22 talk to us. And, as such, we don't know 23 where the City of Jackson, the Mayor or the 24 Police Department what their position is on 25 crime in Jackson.</p>

1 (Pages 1 to 4)

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## Judiciary B Meeting 10/10/2022

Page 5	Page 7
<p>1 It is imperative and it is going to be 2 noted today that the State of Mississippi 3 stands willing and read to help the City of 4 Jackson but have not -- partake in this 5 hearing and have been obstinate in their 6 attendance here today. So with that said, we 7 are going to issue a subpoena to both of 8 them. We're placing both the City of -- the 9 Mayor of Jackson under subpoena and we will 10 place the Chief of Police under subpoena to 11 be back here on November 17 to offer 12 testimony in front of this Committee as to 13 their plan for Jackson and the crime that is 14 sweeping this city. 15 Again, that will be November 17, 09:00, 16 in this room. We have given him -- both of 17 them ample opportunity to be here to have a 18 replacement here to testify. I want it to be 19 noted that we are willing and ready and able 20 to help the City of Jackson and that's why 21 we're taking the steps that we are, placing 22 them under subpoena to be here on 23 November 17. 24 With that said, we are going to move 25 ahead in the agenda. Both of those were to</p>	<p>1 Jackson, but it's Hinds County as a whole. 2 And we're talking about the rural and 3 unincorporated areas of Hinds County as well, 4 where we have primary responsibility. 5 But as it relates to specifically the 6 City of Jackson and crime in the City of 7 Jackson, I think that we all know that there 8 is a dark cloud over what I would consider 9 some of the criminal activity and criminal 10 element in the City of Jackson, which has 11 victimized several people over the last few 12 years. And as the Sheriff of Hinds County, I 13 have dedicated resources specifically for the 14 City of Jackson to work collaboratively with 15 other agencies to be able to target and 16 address some of the criminal activity and 17 criminal elements, as well. 18 But as you all know, we can't do it 19 alone. The Sheriff's Office can't do it 20 alone. We have to work with other agencies, 21 not only the Jackson Police Department, but 22 we welcome all partners to help us address 23 crime in the City of Jackson and Hinds 24 County. And when I say other partners, I 25 mean other local partners, state partners,</p>
Page 6	Page 8
<p>1 be our first two speakers. So, we're going 2 to skip and go to the Sheriff of Hinds 3 County, Tyree Jones. Sheriff, you're here 4 and I'm going to go ahead and -- you can 5 speak where you're at. That's fine. And 6 just offer your testimony. 7 You are recognized, sir. Thank you for 8 being here. 9 SHERIFF TYREE JONES: There we go. Yes, 10 sir. Thank you. Before I get started, I 11 just want to recognize that a member from the 12 City did just walk in and I'm not exactly 13 sure if Mr. Wright is here to speak on behalf 14 of this, but I just want to let you know that 15 he has, you know, walked in. So I'm not sure 16 if you want to yield back to him or you want 17 me to go ahead and get started. 18 Okay. So first of all, I thank you all 19 for this opportunity to be here. And again, 20 I always look forward to working collectively 21 with everybody as it relates to not only 22 crime in Hinds County, but crime in the City 23 of Jackson, as well. So as the Sheriff of 24 Hinds County, as you all know, I have a huge 25 responsibility. It's not just City of</p>	<p>1 and federal partners, as well, because we 2 have to depend on others for resources and 3 other tools that we need to move forward with 4 the criminal activity in the City of Jackson. 5 I think that the main issue that we've 6 been facing in the City of Jackson is the 7 homicide rate. The violent crimes have 8 nearly doubled or more over the last few 9 years. And what I've known and what I've 10 recognized about some of that is -- is a lot 11 of negligence on behalf of individuals that 12 have some type of issue with each other. And 13 when I say that there is a lack of conflict 14 resolution, there's a lack of de-escalation. 15 And as a result, many people have been 16 victimized and people have lost their lives 17 as a result of this. Some of them being 18 targets and some of them not necessarily 19 being targets or based on affiliation with 20 some of these individuals, as well, that may 21 have been actively involved in other criminal 22 activity. 23 And another thing that's very important 24 is we have to address the situation regarding 25 our youth. There has been an uprising in youth</p>

2 (Pages 5 to 8)

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## Judiciary B Meeting 10/10/2022

Page 9	Page 11
<p>1 criminal activity and youth violence. If you 2 go down to the Henley Young Youth Detention 3 Center right now, I have about 34, 35 4 juveniles that are there that are charged as 5 adults. And about probably 80 to 90 percent 6 of that 34 to 35 individuals are charged with 7 some type of murder or some type of violent 8 crime. Some of them are charged with more 9 than one murder. And there has been a 10 significant uptick regarding youth and 11 violent crimes. Not only youth being 12 suspected of violent crimes, but youth being 13 victims of violent crimes as well. And when 14 I refer to youth, I'm talking about people 15 that are 18 years or younger, meaning, you 16 know, they are still considered juveniles. 17 So that has been an issue that I have 18 been able to recognize. Another thing that 19 we have also noticed is when these 20 individuals have been involved in some of the 21 violence and some of the violent crimes, when 22 they see each other, they don't necessarily 23 know -- not know -- they don't necessarily 24 care where they are at any particular time. 25 As if, if I see you in this particular area,</p>	<p>1 coming together. So you can't always say 2 that it's gang activity or gangs involved. 3 But we just have negligent people in our 4 community that have not been held accountable 5 for some of the criminal activity they've 6 been involved in. And another thing that we 7 cannot ignore the fact that I think is very 8 important is the lack of police officers, 9 boots on the ground right now. And it's not 10 just here in Hinds County. It's not just in 11 the City of Jackson. It's not in the State 12 of Mississippi. It's nationwide. There has 13 been a shortage of law enforcement personnel. 14 It's just not a very desirable career. 15 The criminal justice system has been 16 bagged up. Some of these individuals have 17 not been held accountable, that have been 18 arrested, have been charged in a timely 19 manner, or they have not been held 20 accountable at all. So when you send that 21 signal out to the people in the community, 22 and even the criminals that are creating 23 havoc and being involved in some of these 24 crimes, they feel that they can get away with 25 it because nobody is being held accountable.</p>
Page 10	Page 12
<p>1 if I see you at this red light and we have 2 some type of issue. They're being very 3 negligent, and they produce guns. And as you 4 all know, shots of fire and people are 5 injured and/or people are killed. And that's 6 very concerning. 7 I did 20 years with the Jackson Police 8 Department and about 15 of my years with the 9 police department, I work specifically in the 10 violent crime division, so I'm very familiar 11 with violent crimes, the rate of violent 12 crimes, investigating violent crimes and 13 knowing exactly what some of these 14 criminals -- I'm sorry, this criminal 15 activity stems from. 16 We talk about gangs, we talk about gang 17 activity and some things of that nature. 18 It's not always gang activity or gang 19 related. Some of the things that I realized 20 when I was with the Jackson Police 21 Department, when we spoke specifically about 22 gangs, we noticed at one time that rival 23 gangs were coming together and going out and 24 committing violent crimes, victimizing 25 people, robbing people, and even rival gangs</p>	<p>1 You don't have enough police officers. You 2 don't always have enough investigators. 3 Whereas in the past, you did have enough 4 police officers at one time, or you had 5 enough investigators to investigate these 6 crimes and hold them accountable. Another 7 thing that's very important is the backlog of 8 cases that we face, especially here in Hinds 9 County. 10 If you go down to the Raymond Detention 11 Center and to the Work Center right now that 12 I'm responsible for, you have about 13 800 individuals that are in jail that are 14 pretrial detainees, meaning they are waiting 15 to go to trial. They have been charged with 16 the crime, they're in jail, and they have not 17 gone before a judge for a trial or some type 18 of plea in all of this time. And I think 19 about people that have been down there five 20 or six years that are in jail waiting to go 21 to trial. So, you know, all of these 22 elements play a factor and play a role when 23 we talk about violent crimes in the City of 24 Jackson. And some of the people that are 25 involved, they say a lack of accountability</p>

3 (Pages 9 to 12)

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## Judiciary B Meeting 10/10/2022

Page 13	Page 15
<p>1     sometime.</p> <p>2     And I welcome, as the Sheriff of Hinds</p> <p>3     County, all resources that are available to</p> <p>4     help us address the violent crime issue in</p> <p>5     the City of Jackson and in Hinds County. We</p> <p>6     need to help. We have to have partnerships</p> <p>7     and we have to have partners to be able to</p> <p>8     address the issues that we're facing here in</p> <p>9     the City of Jackson and Hinds County, as</p> <p>10    well. And when I talk about that, I talk</p> <p>11    about other law enforcement agencies. I want</p> <p>12    to work with everybody to make sure that we</p> <p>13    are all communicating effectively and</p> <p>14    adjacently across the board to be able to</p> <p>15    address these issues.</p> <p>16    Without effective communication with</p> <p>17    other law enforcement agencies, without</p> <p>18    sharing information, without platforms like</p> <p>19    we have right now, we will find ourselves</p> <p>20    ineffective and we will show the community</p> <p>21    that there is no plan or there is no -- there</p> <p>22    is nothing -- we're doing or we should be</p> <p>23    doing is our responsibility to address these</p> <p>24    issues. So I welcome any type of platform</p> <p>25    and I welcome any type of help and</p>	<p>1     lady from Hinds.</p> <p>2     Speaker C: Good morning, Sheriff. How</p> <p>3     are you?</p> <p>4     SHERIFF TYREE JONES: Good morning.</p> <p>5     Speaker C: I have just a few quick</p> <p>6     questions. You mentioned lack of officers.</p> <p>7     How many officers do you have? How many do</p> <p>8     you need? And is it the lack of officers due</p> <p>9     to lack of funding or just inability to</p> <p>10    actually find people to fill the positions?</p> <p>11    SHERIFF TYREE JONES: Probably all of</p> <p>12    the above. Right now, you know, of course,</p> <p>13    we have sworn personnel. We have an</p> <p>14    operations division with the Hinds County</p> <p>15    Sheriff's Office and we have detention staff.</p> <p>16    When we're talking about addressing crime,</p> <p>17    that refers to our Operations Division, our</p> <p>18    Law Enforcement Division. And as of right</p> <p>19    now, I think I have probably anywhere from 70</p> <p>20    to 80 deputies that are sworn.</p> <p>21    But these are not people that are always</p> <p>22    on the streets answering calls for services.</p> <p>23    This goes all the way from your patrol deputy</p> <p>24    all the way up to me as the sheriff and</p> <p>25    certified law enforcement officers with</p>
Page 14	Page 16
<p>1     communication that we can get to be able to</p> <p>2     address these issues in the City of Jackson.</p> <p>3     I have been working effectively with the</p> <p>4     Jackson Police Department. I have been</p> <p>5     working with our federal partners, the ATF,</p> <p>6     the FBI and the U.S. attorney's Office to be</p> <p>7     able to effectively communicate with those</p> <p>8     agencies as well. I have been working very</p> <p>9     effectively with the Capitol Police and I</p> <p>10    communicate with people from the Capitol</p> <p>11    Police sometimes almost on a daily basis. If</p> <p>12    it's just to share information or to find out</p> <p>13    exactly is there anything that I can do to</p> <p>14    assist them or let them know that we may need</p> <p>15    some assistance as well.</p> <p>16    So it's bigger than the highest county</p> <p>17    sheriff's office. It's bigger than the</p> <p>18    Jackson Police Department. This -- it's a</p> <p>19    matter of everybody that can come together,</p> <p>20    elected officials, appointed officials, to be</p> <p>21    able to address the issue that we're facing</p> <p>22    in the City of Jackson.</p> <p>23    COMMISSIONER BAINS: Thank you, Sheriff.</p> <p>24    I do appreciate your testimony. I appreciate</p> <p>25    you being here. Are there any questions --</p>	<p>1     arrest powers that can effectively address</p> <p>2     crime. So you're talking about patrol,</p> <p>3     you're talking about investigations, your</p> <p>4     warrants division, your task forces, and we</p> <p>5     even have some certified deputies that work</p> <p>6     in the courthouses as court security and</p> <p>7     bailers.</p> <p>8     You know, we are -- we are short. We</p> <p>9     need more personnel. We're short on money</p> <p>10    right now. I have been fighting for my men</p> <p>11    and women of the sheriff's office to get a</p> <p>12    raise. They are -- the Hinds County</p> <p>13    Sheriff's Office is way behind when it comes</p> <p>14    to effectively paying the deputies, the men</p> <p>15    and women that are out on the front lines,</p> <p>16    boots on the ground, that are answering calls</p> <p>17    for service.</p> <p>18    And this is a very fluid and ongoing</p> <p>19    conversations that I'm currently having with</p> <p>20    the people that are responsible for salaries,</p> <p>21    salary realignments and salary increases.</p> <p>22    So, yes, we need more money and we need more</p> <p>23    people as well.</p> <p>24    Speaker C: How many more officers would</p> <p>25    you say, or deputies would you say you need?</p>

4 (Pages 13 to 16)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 17</p> <p>1 SHERIFF TYREE JONES: I would probably 2 say about 15 to 20 that I would like to have 3 in our Patrol Operations Division and in our 4 Investigations Division, as well. That way 5 we can dedicate a few more resources to the 6 City of Jackson. You know, when we talk 7 about our deputies to answer calls for 8 service -- if you are unincorporated -- in 9 rural Hinds County, you call 911, you're 10 going to get a highest county deputy to 11 respond to that call because we are primarily 12 responsible for those areas. Whereas you 13 have municipalities within Hinds County that 14 are respectively responsible for that 15 municipality as well. So, we need more 16 people in Hinds County and I want to be able 17 to dedicate more resources to the City of 18 Jackson and have more of a presence here in 19 the City of Jackson, while also addressing 20 rural and unincorporated Hinds County as 21 well. 22 Speaker C: My follow up question was, 23 assuming you were able to get all of the 24 deputies that you needed, would you be able 25 to then allocate deputies within the city</p>	<p style="text-align: right;">Page 19</p> <p>1 county. Because Hinds County is big and we 2 have other areas we have to go to, but if we 3 had a group of deputies that can work 4 specifically in the City of Jackson, and that 5 would be their sole responsibility and still 6 have coverage in unincorporated and rural 7 Hinds County, that would be very effective 8 for us. 9 Speaker C: And when you use these task 10 forces within the city limits, do you have to 11 get permission from JPD since you're within 12 the city limits, or how does that agreement 13 or how does that work? 14 SHERIFF TYREE JONES: No, ma'am. The 15 Hinds County Sheriff's Office has 16 jurisdiction throughout all of Hinds County. 17 We don't necessarily have to let another 18 agency know that we're conducting an 19 operation within a municipality because we 20 have countywide jurisdiction. 21 Now, if it's something that we feel may 22 affect that municipality, we may let them 23 know that we're within that municipality 24 conducting an operation or just out of 25 respect to let them know that we are here.</p>
<p style="text-align: right;">Page 18</p> <p>1 limits? How would that work? 2 Explain to me sort of what you would be 3 able to do for the City of Jackson with 4 respect to crime. 5 SHERIFF TYREE JONES: You're absolutely 6 right. That's why I said I want to be able 7 to do that. We're talking about putting a 8 group of people together, specifically to 9 address the City of Jackson -- a group of 10 deputies, some type of task force that we can 11 have where they can work again collectively 12 with other agencies to be able to address 13 crime specifically in the City of Jackson. 14 Because right now we have resources that 15 we can put in the City of Jackson, but 16 it's -- it's very limited, and we do put them 17 in specific areas to address crime. You 18 know, We did it earlier this year when we had 19 the violent crimes that occurred in Belhaven. 20 We were very successful, and we worked 21 effectively doing that operation. But I'll 22 just use that as an example. 23 When it was over, we had to pull those 24 resources out of Belhaven and move elsewhere 25 throughout the City of Jackson and Hinds</p>	<p style="text-align: right;">Page 20</p> <p>1 But other than that, we have jurisdiction, 2 and we don't have to get any type of 3 permission to conduct operations in the City 4 of Jackson. 5 Speaker C: Thank you, sheriff. 6 SHERIFF TYREE JONES: Thank you. 7 COMMISSIONER BAINS: Sheriff -- could 8 you -- and you might not be able to tell me 9 this, but could you tell me, or do you know 10 in Hinds County, City of Jackson, where is 11 the highest concentration of your violent 12 offenses? 13 SHERIFF TYREE JONES: I don't have 14 those -- I don't have a geographical area 15 right now. 16 COMMISSIONER BAINS: That's fine. I 17 understand. I just didn't know if you 18 could -- off top your head. 19 SHERIFF TYREE JONES: You know, I would 20 just be honest with you, in full 21 transparency. I -- I think it is an issue. 22 You've had violent crime in all areas of the 23 City of Jackson. We can't just necessarily 24 say it's concentrated all the time in one 25 specific area, because it's not. We've had</p>

5 (Pages 17 to 20)

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## Judiciary B Meeting 10/10/2022

Page 21	Page 23
<p>1 violent crime in North Jackson, South 2 Jackson, West Jackson, Northeast Jackson. So 3 it is an issue that has occurred in the city, 4 and I just don't have the geographical 5 numbers to designate it to a specific area. 6 COMMISSIONER BAINS: You said something 7 that -- that kind of piqued my interest in 8 your opening about pretrial detainees and 9 being in Raymond. You said that some of them 10 had five to six years and pretrial hadn't -- 11 hadn't been to court in that long. Is that 12 accurate? 13 SHERIFF TYREE JONES: Yes, sir, that's 14 very accurate. 15 COMMISSIONER BAINS: I'm sorry. Go 16 ahead. 17 SHERIFF TYREE JONES: We have several 18 detainees that are in our jail that have been 19 there for five years, six years. Some of 20 these individuals we arrested or I arrested 21 when I was with the Jackson Police Department 22 in the Violent Crime Division, and I've been 23 going from there for several years with the 24 Hinds County Sheriff's Office, and they're 25 still there awaiting trial -- awaiting to go</p>	<p>1 Jackson. I communicate with people there 2 almost on a daily basis as well. Maybe not 3 necessarily all of the time with the upper 4 command staff, but maybe investigators or 5 some of the people that's responsible for 6 investigating some of the crimes. 7 We have worked very effectively together 8 to be able to address and solve some of the 9 violent crimes, as well. You know, Sometimes 10 people may bring me information or bring 11 information to the Hinds County Sheriff's 12 Office. For me, as an individual, based on 13 relationships that I formed through the years 14 that may help solve some of the violent crime 15 or solve a murder, I will in turn get that 16 information and I will communicate with the 17 people that are responsible at the Jackson 18 Police Department for this. 19 And it has been very effective regarding 20 sharing information to help them solve some 21 of the violent crimes as well. So, I still 22 have a very good working relationship with 23 the Jackson Police Department. I tell people 24 all the time, even though I'm no longer 25 there, I still feel like I work for them</p>
Page 22	Page 24
<p>1 to trial. 2 COMMISSIONER BAINS: And those are 3 violent offenders? 4 SHERIFF TYREE JONES: Yes, sir. These 5 are individuals that are charged with murder, 6 aggravated assault, but mostly murder. 7 COMMISSIONER BAINS: Will you -- can you 8 provide me with a list of those -- not 9 necessarily names or anything, but a number 10 of how many of those inmates you have? 11 SHERIFF TYREE JONES: Yes, sir. I can. 12 COMMISSIONER BAINS: Okay. 13 SHERIFF TYREE JONES: Yes, sir. 14 COMMISSIONER BAINS: Okay. Any other 15 further questions? Lady from Madison. 16 Speaker C: Thank you, Mr. Chairman. 17 And thank you, Sheriff. You're always so 18 accessible and I appreciate you. I 19 understand that you said that your 20 relationship with the Capitol Police is 21 excellent. Could you tell us a little bit 22 about your relationship with the City of 23 Jackson Police? 24 SHERIFF TYREE JONES: I still have a -- 25 an effective relationship with the City of</p>	<p>1 because I still communicate with them. 2 I'm a City of Jackson resident. I was 3 born and raised here, in the City of Jackson. 4 So I will always have an invested interest in 5 the City of Jackson because I want to see a 6 difference and I want to make sure that we 7 are communicating to make a change and do 8 things different in the City of Jackson, as 9 well. 10 Speaker C: If you were king for the 11 day, what would you have us do? 12 SHERIFF TYREE JONES: If I was king for 13 a day, what would I have you all to do? I 14 need money and I need manpower. 15 Speaker C: Thank you, Mr. Chairman. 16 COMMISSIONER BAINS: Any further 17 questions from committee members? Lady from 18 Hinds, Ms. Gibbs. 19 MS. GIBBS: Thank you. Thank you, 20 Sheriff Jones, for being here. You mentioned 21 you want money. I understand that, and that 22 if you had 15 to 20 more deputies that you 23 would be able to be more effective. 24 Could you explain how effective you can 25 be, in particularly when you talk about that</p>

6 (Pages 21 to 24)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 25</p> <p>1 there are gangs and then you said that the 2 rivalry -- the rivalry gangs were getting 3 together in terms of committing felonies. So 4 if you had the additional 15 to 20 deputies, 5 how would that assist in that issue? 6 SHERIFF TYREE JONES: Well, they would 7 be specifically addressing violent crimes in 8 the City of Jackson, areas where there is an 9 uptick in violent crimes, investigating 10 violent crimes, and just being able to have 11 more personnel in the City of Jackson. You 12 have to think creatively as well. When 13 you're talking about addressing violent 14 crime. You have -- when you have individuals 15 that can be prosecuted on the state level, 16 but you also want to be able to prosecute 17 some of these individuals on the federal 18 level, as well. 19 This sends a strong message to the 20 community and it sends a strong message to 21 these individuals that are committing some of 22 these crimes that not only will you be held 23 accountable on the state level, but on a 24 federal level as well. When I was with the 25 police department back, maybe 2015 to 2016, I</p>	<p style="text-align: right;">Page 27</p> <p>1 crimes or criminal activity in the City of 2 Jackson. And again, effectively 3 communicating with everybody that should be 4 involved as well. 5 MS. GIBBS: Thank you. 6 COMMISSIONER BAINS: Any further -- 7 gentlemen from Union? 8 JODY OWENS: Thanks, Sheriff -- 9 Mr. Chairman. If there was a percentage of 10 the calls that people you investigate that 11 had mental health issues, could you just give 12 me a percentage of that, please? 13 SHERIFF TYREE JONES: When we talk about 14 mental health and law enforcement, mental 15 health should always be addressed and it's 16 always an issue. I had this conversation the 17 other day and I just look at the pretrial 18 detainees we have in jail right now. You 19 probably have about 60 percent or more of 20 those that are suffering from some type of 21 mental health issue. 22 And when I say mental health, I'm 23 talking about all the way from a minor case 24 of a mental health issue all the way up to a 25 major. But we cannot always say that mental</p>
<p style="text-align: right;">Page 26</p> <p>1 saw how this worked personally. There was 2 a -- a double digit decrease in violent 3 crimes due to us working collaboratively with 4 other agencies and our federal partners to be 5 able to address violent crime in the City of 6 Jackson. So when you have more personnel and 7 you have that personnel assigned specifically 8 to one task, then this shows that you have 9 presence, you have individuals that are 10 addressing the issue and you have them 11 holding these individuals accountable as 12 well. 13 MS. GIBBS: Thank you. So that staff 14 that we're talking about, they may be boots 15 on the ground, they may be an administrative 16 part, they may be part of task force work 17 with other state and federal agencies. Is 18 what I hear you saying? 19 SHERIFF TYREE JONES: They're not going 20 to be part of administration, they're going 21 to be boots on the ground and investigating. 22 So that's what we need. And I wouldn't 23 necessarily use the word "aggressive", but I 24 will say that they will be addressing 25 specifically one thing, and that is violent</p>	<p style="text-align: right;">Page 28</p> <p>1 health -- or use mental health as an excuse 2 for individuals that are committing some of 3 these crimes to be able to not be held 4 accountable. 5 But yes, we do come in contact with 6 several people on a daily basis that are 7 suffering from some type of mental health 8 issue. You have to bring the mental health 9 experts in and have partnerships with mental 10 health companies or mental health providers, 11 as well. 12 JODY OWENS: And are some of your 13 offers -- officers trained in mental health? 14 And there's a couple of different levels you 15 can go to? 16 SHERIFF TYREE JONES: Yes, sir. We have 17 several officers that are trained in mental 18 health. Just recently, I think last week, we 19 have a partnership with Hinds Behavior 20 Health, where they train officers in crisis 21 intervention. And that's for officers to be 22 able to effectively recognize mental health 23 issues, be able to communicate with 24 individuals they come in contact with, 25 regarding a mental health episode or a mental</p>

7 (Pages 25 to 28)

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## Judiciary B Meeting 10/10/2022

Page 29	Page 31
<p>1 health issue, to be able to minimize 2 situations to keep them from escalating and 3 to also be able to get them some of the help 4 that they need. 5 I wish that I had some of the mental 6 health training some 23 years ago when I got 7 started that's provided to law enforcement 8 today because there is a wide range of mental 9 health training that is provided to officers. 10 And we take this seriously. And I think that 11 all officers should receive this mental 12 health training as well. 13 COMMISSIONER BAINS: Thank you, sheriff. 14 COMMISSIONER BAINS: Thank you. Any 15 further questions for sheriff? 16 Sheriff, again, thank you for your time. 17 You provided us with a lot of information and 18 some good information. We appreciate your 19 service and your work for Hinds County and 20 for Mississippi. Thank you. You're excused 21 and you're welcome to stay or head or 22 whatever you need to do. 23 SHERIFF TYREE JONES: I'm going to hang 24 out. Thank you. 25 COMMISSIONER BAINS: Okay. All right,</p>	<p>1 We are committed to working with our law 2 enforcement partners and making the capitol 3 city safe for all Mississippians. After all, 4 our common objective is to remove the 5 criminal element that has plagued the City 6 for far too long, while also securing and 7 maintaining the public trust. Again, thank 8 you for your support. If any of you would 9 like to discuss any issue with me personally, 10 feel free to contact me at your convenience." 11 And again, that's a statement from 12 Commissioner Sean Tyndall, who couldn't be 13 here today. 14 Now, I like to start by saying thank you 15 from me for allowing me to be here today as 16 well. Sheriff Jones hit the nail on the 17 head. He was spot on -- everything that he 18 said. I couldn't have said it better. the 19 short time that I have been here as Capitol 20 Police Chief, I've noticed a lot of the same 21 things that he's mentioned. 22 There is a -- well, let me start with 23 one of the first things I've noticed is there 24 seems to be a disrespect for authority in the 25 youth in the Jackson area. And, like you</p>
Page 30	Page 32
<p>1 our next is Bo Luckey, Chief of Capitol 2 Police and you're recognized. Thank you Bo. 3 CHIEF BO LUCKEY: Good morning. I'd 4 like to start by reading a statement from 5 Commissioner Tyndall, who couldn't be here 6 today. 7 He says, "Chairman Bain, members of the 8 House Judiciary Committee, thank you for the 9 opportunity to appear before this committee 10 to discuss crime in the City of Jackson and 11 the Capitol Improvement District. 12 Unfortunately, I'm not able to attend today 13 due to my speaking engagement at a symposium 14 on cybersecurity for the State of 15 Mississippi. 16 Even though I'm unable to attend today's 17 hearing, I want to let each of you know how 18 thankful we are -- I'm sorry -- how thankful 19 we are in the confidence that you have placed 20 in the Department of Public Safety and the 21 Capitol Police. Without your support, the 22 strides we have made in public safety would 23 not be possible. Chief Lucky and his team 24 have done an excellent job and have my full 25 support.</p>	<p>1 said, it's hard to pinpoint any certain area. 2 However, it's certainly a problem and it's 3 certainly increasing. Like you said, we're 4 starting to see a lot more individuals riding 5 around with assault rifles in their laps, 6 literally making Instagram stories and 7 TikToks as they're riding around the City, 8 pouring their narcotics out and counting in 9 front of the camera, fanning money around and 10 these individuals are our youth. 11 That's a problem. That's a problem that 12 we're going to have to address somehow. And 13 I don't have the answer for that right now. 14 However, we are looking at ways to get more 15 actively involved in the community, in 16 programs that can help to mentor our youth in 17 a more effective manner. 18 Like I said, most of what Sheriff Jones 19 has mentioned, I couldn't have said it 20 better, and I see it myself every day. Since 21 I've been here -- I'll tell you a little bit 22 about what we have tried to do. When I 23 started at Capitol Police, we had 24 approximately 66 sworn law enforcement 25 officers, since I know that question may be</p>

8 (Pages 29 to 32)

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## Judiciary B Meeting 10/10/2022

Page 33	Page 35
<p>1 coming. Today, we're sitting at 104. It 2 started on May 23rd of this year. Prior to 3 us taking in the CCID, Capitol Police was 4 primarily seen as a more of a security force 5 for the state grounds. This building being 6 one of them.</p> <p>7 Our mission now is much different. 8 We're here to assist JPD, we're here to 9 assist Hinds County, we're here to assist our 10 other state agencies and our other federal 11 partners, as much as possible. And that's 12 what we're vowing to do. But in order to do 13 that, we had to expand, and we're going to 14 keep expanding.</p> <p>15 The 40 officers that we have hired so 16 far has allowed us to expand our patrol 17 division from 15 sworn law enforcement 18 officers to approximately 36, so far. We 19 have also activated a Street Crime 20 Suppression Unit known as our Flex Unit that 21 consists of 11 sworn law enforcement 22 officers. We have also increased our 23 investigative division from one full time 24 officer to three full time officers and one 25 part time.</p>	<p>1 eight hour shift, which requires you to do a 2 rotation of days off.</p> <p>3 And we're running into some issues with 4 buildings opening up early, buildings closing 5 late, things like that. But we are covering 6 it. We're going to continue to have it 7 covered, but we are trying to add some to 8 that. So, if there is anything that seemed 9 to be lacking on the security side, just know 10 that we are working on that.</p> <p>11 On our patrol side as I mentioned, when 12 I started at Capitol Police, we had 15 sworn 13 law enforcement officers that operated on 14 eight hour shifts. They are now operating on 15 twelve hour shifts. So, now you have eight 16 officers on the street at any given time, 17 whereas prior to this, you had maybe one, 18 maybe two. Just the day whoever was off that 19 date or whoever called in sick dictated how 20 many people were there. Now it's pretty much 21 a given, you're going to have a minimum of 22 eight sworn patrol officers on the streets at 23 any given time.</p> <p>24 Our Flex Unit also operates in the 25 afternoon hours, generally from lunchtime to</p>
Page 34	Page 36
<p>1 Our command staff was lacking. We had 2 lieutenants answering to assistant chiefs, 3 which is not a very efficient chain of 4 command -- way too many officers and not 5 enough command staff. We had to increase 6 that. And what we try to do is make it as 7 efficient as possible.</p> <p>8 So in building out the new organization 9 of Capitol Police, we've separated these 10 divisions somewhat. So now, instead of it 11 being officers answering to one lieutenant or 12 one assistant chief, we've now built out to 13 where we have an Assistant Chief over patrol, 14 an Assistant Chief over security, and 15 Assistant Chief over admin.</p> <p>16 Our security divisions obviously handles 17 the buildings and mostly tries to take care 18 of special events, as well. That division 19 consists of about 41 sworn law enforcement 20 officers and 6 non-sworn security guards. 21 We'll say we're trying to get more law 22 enforcement officers on that side as well as 23 non-sworn security guards on that side. 24 Unfortunately, whenever you're working these 25 buildings, it's going to be eight hour --</p>	<p>1 about 1, 2, 3:00 in the morning. That's 2 going to be generally your high crime time 3 periods and we try to focus them in their 4 efforts during that time period -- that time 5 frame. So with that said, there's usually 6 about six of those officers also on the 7 grounds, which brings your sworn law 8 enforcement officer presence up to about 14 9 officers at any given time in the afternoon 10 hours.</p> <p>11 On top of that, you also have on the 12 security side, you have units that are out 13 roaming and patrolling. Usually that's about 14 four or five officers. So again, that brings 15 you up to about 18 officers at any given time 16 in the afternoon hours, during the Capitol 17 City Improvement District.</p> <p>18 Now, our Flex Unit has gotten a lot of 19 attention lately and -- and it's pretty much 20 what Sheriff Jones was speaking on. When you 21 speak on a Violent Crime Unit or a Street 22 Crime Suppression Unit, the purpose behind 23 this unit was to have a group of individuals 24 who are highly trained to deal with violent 25 crimes, narcotics, things that are plaguing</p>

9 (Pages 33 to 36)

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## Judiciary B Meeting 10/10/2022

Page 37	Page 39
<p>1 the City and -- and causing a lot of the 2 criminal activity here, or a few of the 3 criminal activity here. 4 To give you an idea of how successful 5 this unit has been, since July 18th of this 6 year, they've made 59 felony arrests, eight 7 misdemeanor arrests, seized 29 firearms, 13 8 of those were stolen. Stolen property 9 recovered, only two stolen vehicles recovered 10 three, US currency seized \$10,536. Narcotics 11 seized: six pounds of marijuana, 2 ounces of 12 methamphetamine, 100 MDMA dosage units, 20 13 grams of crack cocaine, 1 gram of fentanyl, 14 30 dosage units of hydrocodone. 15 So they're out there -- and what this 16 group is doing and what makes them unique is 17 they're not answering calls. These numbers 18 that they're putting up is not from anybody 19 calling and saying, this is what's going on. 20 This is from having boots on the ground out 21 there and proactively policing the CCID, 22 knowing what they're looking for and going 23 after it. They operate with sources and CIs, 24 just much like a narcotics division would 25 now.</p>	<p>1 They're being seen. They're being a 2 deterrent. They're also letting the public 3 know that we're out here, we're here for you. 4 The success that we've seen, a lot of the 5 compliments that I receive on a daily basis, 6 is based on the efforts of our patrol unit 7 being out there, so visible. 8 I had an individual contact me last 9 night and said he lives in the Belhaven area. 10 Said he walked his dog at night for the first 11 time in a very long time. He said he felt 12 safe and he appreciated everything that we're 13 doing. I had another individual that 14 contacted me whenever I first took over at 15 Capitol Police and was pretty heated in the 16 conversation, begging me to do something 17 different. Said he was ready to leave, he 18 was ready to move. And he called me -- I 19 guess it was Monday I spoke with him just 20 going on and on about how safe he feels and 21 how appreciative he is for everything. 22 And these individuals are not calling 23 because we have done, you know, anything 24 specifically for them. It's because they see 25 what we're doing as a whole. They see the</p>
Page 38	Page 40
<p>1 On top of their success, in such a short 2 period of time, our patrol division has also 3 been very proactive in their efforts. Our 4 patrol division, so far, has written 5 approximately 984 citations. That's just in 6 the last month. DUI arrest, only one. 7 However, I will say I was told the other day 8 that Sheriff Jones -- his DUI unit has 9 reported to my guys that he has gotten 55 DUI 10 arrests off of working with our checkpoints 11 within the CCID. And we're happy that 12 Sheriff Jones allows his DUI units to work 13 with us so closely, and we're more than happy 14 to help him out in any way we can. 15 Felony arrest on patrol is 23. 16 Misdemeanor arrest on patrol is 30. Stolen 17 vehicles recovered on patrol is five. So, 18 again, my patrol division is very proactive. 19 They're out there -- they're out there 20 enforcing the law. They're issuing 21 citations. They're conducting safety 22 checkpoints in random places throughout the 23 City. 24 And overall, they're letting the 25 criminal element know that they're out there.</p>	<p>1 visibility of patrol. They see that their 2 neighborhoods are quieter now. They see that 3 there's checkpoints around. They -- I can't 4 tell how many times people have made the 5 conversation about these safety checkpoints 6 and how they make them feel safer because it 7 does shut the criminal element that we're out 8 there in full force. And that's what it's 9 about with patrol is deterrent, detecting the 10 crime, enforcing the law, and deterring 11 criminal activity. 12 Now, our investigative division, another 13 problem that we ran into when I started in 14 May, or another thing that I tried to address 15 quickly, we had a large number of homeless in 16 the CCID. And it was from the interstate all 17 the way back to as far as CCID goes. I don't 18 know how many of you in here have noticed, 19 but if you get off the interstate on High 20 Street today, you may see one or two randomly 21 walking around. We've we've been able to be 22 a visible presence for them as well. 23 We don't -- we take a zero tolerance on 24 crime in general. It doesn't matter to us if 25 you're homeless or if you're not. If you</p>

10 (Pages 37 to 40)

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## Judiciary B Meeting 10/10/2022

Page 41	Page 43
<p>1 commit a crime, we're going to arrest you, 2 we're going to cite you, we're going to deal 3 with you in the same way we would anybody 4 else. I think that's one of the factors that 5 has helped us out in solving a lot of 6 business burglaries that were going on. 7 I don't know if you all remember, but in 8 one weekend there was about five or six 9 business burglaries right here together in 10 downtown Jackson. We responded to those 11 complaints on a Sunday -- I'm sorry -- we 12 responded to those complaints on a Saturday 13 with a vandalized ATM machine here at, I 14 believe it's Court Street, the BancorpSouth, 15 I believe, over here. We had that gentleman 16 in custody the next morning. Our patrol 17 division was able to find him, locate him, 18 and we had him in custody the next morning 19 and he was charged with multiple other 20 business burglaries. 21 However, we learned during that 22 investigation that he was not the only one. 23 We were successful in finding the other 24 culprits involved as well. We also had a 25 rash of burglaries in the downtown area not</p>	<p>1 If you remember this summer, we had 2 numerous high schools doing the graduation 3 ceremonies there, and social media was hit 4 with some threats pointed towards one of the 5 high school graduations. And when I was 6 contacted, it was right after the Uvalde 7 shootings. And I told my guys, you know, 8 we're not going to sit back and just wait for 9 something to happen. We're going to go 10 forward head on. And that's what we did. We 11 were able to arrest that individual in the 12 early morning hours, probably around 1:00 in 13 the morning, and he was charged with felony 14 domestic threats or domestic terrorist 15 threats. 16 So we try to be proactive. We try to 17 provide the law abiding citizens with the 18 level of security that they deserve, that 19 they want. We want you all to feel safe. We 20 want you all to know that we are here for 21 you. And at the same time, we try to show 22 the criminal element that we're not going to 23 tolerate anything. 24 When we talk about determinant, one of 25 the hurdles we do face, as Sheriff Jones</p>
Page 42	Page 44
<p>1 too long ago and ended up charging an 2 individual with, I believe it was seven 3 counts of business burglary. Some of the 4 businesses he broke it into multiple times in 5 the course of a week and a half. 6 These are problems that we see on a 7 daily basis. When the foot traffic, the 8 pedestrian traffic at 3:00 in the morning, 9 especially with the homeless community is out 10 like it is, you're going to have these 11 issues. They're breaking in and look, I'm 12 not going to sugarcoat it, they're stealing 13 food a lot of times. They're breaking into 14 restaurants, they're breaking into vending 15 machines. I think we've all seen that on 16 social media. 17 But we're not going to allow that to 18 happen, and that's not something that can 19 happen. We can't allow homelessness to be an 20 excuse for criminal activity. So -- we've 21 also, in showing the proactiveness of this 22 department, one of the first arrests we made 23 whenever I started was for terroristic 24 threats on the Fairgrounds, which is busy 25 most days.</p>	<p>1 mentioned, is a backlog with the Hinds County 2 Justice System. I tell people all the time, 3 Hinds County is one of the few courtrooms 4 that operates pretty much all day, every day. 5 I mean, It's going -- it's just a backlog 6 that has been inherited from past 7 administrations that has only grown. It's -- 8 I don't blame anybody in particular for that 9 backlog. I wouldn't know where to start to 10 blame anybody. It's just, in my opinion, the 11 crime in the City of Jackson has just been on 12 such an uptick that I don't think anybody 13 could have kept up with that docket. 14 So what we have tried to do, as Sheriff 15 Jones has mentioned, we have teamed up with 16 the U.S. Attorney's office and we have 17 started sending a lot of our violent felonies 18 to them. More specifically, ones that 19 involve your gun charges. I'm not sure how 20 many cases we've sent to them, as of yet. If 21 I had to guess, it'd be somewhere in the 22 neighborhood of about 29 or 30 cases that we 23 have presented to the U.S. Attorney's Office, 24 to date. 25 And what that does, when you talk about</p>

11 (Pages 41 to 44)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 45</p> <p>1 a -- like Sheriff Jones mentioned, some  2 inmates sitting pretrial for three, four,  3 five years, when you complain somebody in the  4 federal system, they will go from complaint  5 to sentencing in approximately nine months.  6 So that is, for lack of a better term, just  7 lightning fast compared to our county system.  8 And that right there is a deterrent enough to  9 show people that, look, they're not playing  10 around, they're going through the U.S.  11 Attorney's office. When you get complained,  12 nine months from now, you're spending five  13 years to ten years for a gun crime that you  14 may be out on the street for the next five  15 years for, waiting to go through Hinds County  16 system because it's backlogged the way it is.  17 I think that's a huge, huge deterrent there.  18 And once we start getting some  19 successful prosecutions on the federal side,  20 I think it's just going to only get better.  21 But, my last thing I'll talk about is the  22 collaboration between Hinds County and  23 Jackson Police Department. I don't know how  24 many of you here have been to the fair yet,  25 but I think it's a great example of what we</p>	<p style="text-align: right;">Page 47</p> <p>1 we've picked up the phone and requested  2 anything from Jackson Police Department or  3 Hinds County Sheriff's Department, they've --  4 they've been more than happy to help out, and  5 we're going to do the same for them.  6 When we talk about boots on the ground,  7 like Sheriff Jones said, it's across the  8 board, law enforcement numbers are down. My  9 numbers are up from where they were,  10 obviously, but across the board, it's hard to  11 find law enforcement officers.  12 In today's environment, I would -- I  13 would argue that it's extremely hard to find  14 anybody that wants to be a police officer.  15 Unfortunately, with the negativity  16 surrounding law enforcement today, with the  17 constant criticism, the constant spotlight,  18 our applicant pool is slowly dwindling. Even  19 with my pay raises and incentives that I've  20 offered to hire people, it's not like it used  21 to be. And I don't know what the answer is  22 to get that back.  23 The quality of applicants is not as high  24 as it used to be, and the quantity is  25 certainly not as high as it used to be.</p>
<p style="text-align: right;">Page 46</p> <p>1 can do when we work together. I'd say the  2 fair this year feels safer than it has in  3 many years. It's just a different  4 environment. It's more laid back. It's  5 more -- it just feels more family oriented.  6 You feel safe.  7 That's in part because of the plan that  8 Commissioner Gibson's staff put together.  9 It's a great plan, but the majority of the  10 reason why the fair has been so successful  11 this year and why you feel safe there is  12 because of Sheriff Jones, Chief Davis,  13 myself, and other agencies who have thrown  14 manpower there to form this united front.  15 And that's what it's all about. That's what  16 it's going to take outside of the fair.  17 That's what's going to take on the streets.  18 We've got to get boots on the ground  19 together. We've got to work together. My  20 staff works on a daily basis with Jackson  21 Police Department's staff on the patrol side.  22 Again, Sheriff Jones staff works very well  23 with us. I think my assistant chief over  24 patrol probably talks to Sheriff Jones, like  25 he said, almost every day. And every time</p>	<p style="text-align: right;">Page 48</p> <p>1 It's -- we could all use more money, we could  2 all use more equipment, and we all need  3 more -- more law enforcement officers. We  4 need more help out there, but I don't know  5 how to get that. We're going to try to  6 actually start incorporating some more  7 aggressive recruitment efforts.  8 I met with National Guard yesterday  9 about trying to get involved in a work  10 program they have to provide servicemen and  11 women with employment. I believe they were  12 telling me, Chief Davis is already involved  13 in that program, and working with them has  14 been for some time now. We're trying all we  15 can to get more people involved in law  16 enforcement, get more professional,  17 proactive, passionate people involved in law  18 enforcement.  19 And it's a challenge, but I think we can  20 do it. And again, thank you all for allowing  21 me to be here today and I'm here for anything  22 you may need  23 COMMISSIONER BAINS: Chief, thank you.  24 First off, let me ask you, you stated, if I  25 heard the numbers right when you began you</p>

12 (Pages 45 to 48)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 49</p> <p>1 were at 66, is that right? Now you're up to 2 over 100. 3 CHIEF BO LUCKEY: Yes, sir. 104. 4 COMMISSIONER BAINS: Is that -- like you 5 said, obviously everybody can use more but do 6 you feel that that's an adequate number of 7 where you're at? 8 CHIEF BO LUCKEY: It is not. 9 COMMISSIONER BAINS: What would you 10 estimate? You heard Sheriff talk about 11 another 15 to 20 officers. Of course Hinds 12 County is much larger than the CCID. So I'm 13 just curious. 14 CHIEF BO LUCKEY: Yes, sir. Right now 15 the anticipated number of employees for 16 Capitol Police this time next year is going 17 to be somewhere around 150 to 160. And the 18 reason for that is going to be because we're 19 more than just patrol. We're more than just 20 having people on the streets. 21 We need more manpower in our security 22 division to help out with the security of 23 these buildings. We need more manpower and 24 investigative division, we need more manpower 25 in our command staff still, mainly with</p>	<p style="text-align: right;">Page 51</p> <p>1 by the reforms, that they weren't really 2 reforms and how much problems that we've had 3 from those. 4 So, I say that to say that as you're 5 trying to do your jobs, I want to work with 6 all of our law enforcement, DA, sheriffs, 7 police chiefs. The speaker has committed to 8 work with me to -- if we need to repeal some 9 things or pass new legislation to help you 10 guys and I look forward to working with our 11 Chairman Bain to address some of these things 12 because we want to do legislatively what we 13 can do also to help you with these things. 14 So these things on either expungement, 15 habitual offenders, some early releases, I 16 know, like I've heard about shoplifting, how 17 they know the dollar amount for felony and so 18 maybe we need a cumulative amount so that 19 they go in on all these individual times and 20 they never get charged with a felony because 21 it's always under the amount and they don't 22 add together. 23 So I think there's a lot of things that 24 we can do maybe to help y'all with those 25 things and look at some of the mistakes that</p>
<p style="text-align: right;">Page 50</p> <p>1 training fleet, things like that. We need 2 more manpower on patrol and all those 3 areas -- different areas, we're trying to 4 build up the diversity and enforcement. 5 We're going to need more manpower. 6 COMMISSIONER BAINS: Okay. Questions 7 from committee members? I saw the lady from 8 Pearl River first. 9 Speaker C: Thank you gentlemen. Thank 10 you Chief, and thank you Sheriff Jones for 11 all that you all are doing and 12 congratulations on the victories you're 13 having. I would just like to make a few 14 statements. You all have addressed all the 15 issues and things that you're battling in the 16 field. I want to address, this summer I went 17 to a leadership conference and the speaker 18 and I were the only two in attendance there 19 from Mississippi. And one of the things that 20 they were talking about when we were there 21 were crime -- was crime across this nation 22 and how bad it is and it comes on down home. 23 They also addressed the so called criminal 24 justice reform, that the state legislatures 25 have been passing and how that we were duped</p>	<p style="text-align: right;">Page 52</p> <p>1 we've made in the past and do better as well. 2 So, I thank you for what you're doing and 3 just ask if you will think about those and 4 get with me before Session and let's work on 5 some legislation to help you all in those 6 areas as well. 7 COMMISSIONER BAINS: Lady from Hinds. 8 You're recognized. 9 Speaker C: Thank you. I have a few 10 questions. So, you and I know the boundaries 11 of the CCID, obviously. But those who live 12 within or just outside of those boundaries 13 may not be exactly familiar. So if someone 14 has an issue, they call 911. Are they 15 automatically directed to either Capitol 16 Police or JPD or the Sheriff's Department? 17 How does that work for just an individual 18 that needs assistance? 19 CHIEF BO LUCKEY: So, we do not have a 20 911 center at Capitol Police. Jackson Police 21 Department is who responds to 911 calls. 22 I've had conversations with Chief Davis that, 23 I understand he is short on manpower. I 24 understand that he has officers that are 25 spread out in further areas than just the</p>

13 (Pages 49 to 52)

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## Judiciary B Meeting 10/10/2022

Page 53	Page 55
<p>1 CCID and it may take them some time to get 2 there. 3 I have -- we have talked about 4 transitioning phone calls over to Capitol 5 Police and they are doing that. So when JPD 6 receives a 911 call, if their officers are 7 tied up somewhere else, if their officers are 8 busy on another call, then they will forward 9 that phone call to Capitol Police in a timely 10 manner to where we can respond to it and -- 11 and deal with the -- the call. 12 Speaker C: Is there a better system 13 that you could envision so that the person 14 that's calling 911 is not left waiting? For 15 instance, I'll use myself as an example. I 16 mean if I'm home alone with my seven year old 17 and there's a home invasion happening. I 18 call 911 and I'm being rerouted because 19 somebody's too busy to come and help. I feel 20 like there has to be a better solution for 21 that. Do you have a suggestion? 22 CHIEF BO LUCKEY: We have looked at and 23 we are looking at, you know, we get our new 24 police department over here at Wright in 25 Ferguson, we are looking at having a 911 line</p>	<p>1 Speaker C: And they're in plain clothes 2 but with vests on. Is that right? 3 CHIEF BO LUCKEY: Correct. 4 Speaker C: A group of us with young 5 children were out having dinner, and we saw 6 those men stop a vehicle, pull three men out 7 of the vehicle, and several guns out of the 8 vehicle just a few feet from where we were 9 having dinner in Belhaven. So, tell them 10 thank you. 11 CHIEF BO LUCKEY: Yes, ma'am. I will 12 let them know. 13 COMMISSIONER BAINS: Are there any 14 further questions. Lady from Hinds, 15 Ms. Gibbs. 16 MS. GIBBS: Thank you, Chairman Bain. 17 And thank you, Chief Lucky, for being here. 18 I conducted a hearing during the last 19 legislative session with Commissioner Tyndall 20 and Chief Davis that was in that meeting and 21 we talked about the 911 calls. And at that 22 time, as I understand and Chief Davis can 23 also correct me, is that those calls was 24 coming into JPD, and you just mentioned that 25 those calls are then transferred to you.</p>
Page 54	Page 56
<p>1 at that point. We've talked to AT&amp;T who is 2 over that about geofencing the area and 3 everything that's involved in that. That's 4 really going to be the most effective thing 5 that I can think of is that if we had our own 6 911, which we are looking at. 7 Speaker C: My next question. 8 Hypothetically speaking, do you feel like the 9 structure that you've created with Capitol 10 Police, as it currently exists, would work if 11 the CCID were expanded? In other words, do 12 you feel like you would be able to cover more 13 ground assuming you had more officers? 14 CHIEF BO LUCKEY: Absolutely. 15 Absolutely. The structure that I've built at 16 Capitol Police, the foundation of the police 17 department itself is strong, it's there. And 18 just adding more numbers to the officers, to 19 the investigators, to the security side, to 20 wherever needed. We can certainly cover more 21 ground if need be. 22 Speaker C: And my last question. The 23 Flex Unit that you mentioned, those officers 24 are in unmarked vehicles. Is that accurate? 25 CHIEF BO LUCKEY: That is.</p>	<p>1 I understood at that meeting that it 2 would take a year to two years before the 3 Capitol Police could have that system set up. 4 And I believe it was your intention, as far 5 as the Capitol Police, to have their own 911 6 system, is that correct? That you all want 7 to have your own 911 system coming into you 8 versus going into JPD and having to transfer 9 it over. Is that correct? 10 CHIEF BO LUCKEY: Okay. So like I 11 mentioned, we're talking about having the 12 capabilities by the time we move into the 13 Wright and Ferguson, which I should have 14 mentioned, is probably about a year and a 15 half to two years away. So you're correct on 16 your timeline. 17 Now, we are looking at buying more 18 dispatch equipment to beef up our dispatch to 19 handle the large number of calls that we will 20 be receiving when we do go, or if we do go 21 with a 911 call center. Now, the 22 Commissioner has not told me directly that it 23 is his plan to have a 911 Call Center, 24 because historically, the state is not the 25 primary responding agency within any</p>

14 (Pages 53 to 56)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 57</p> <p>1 jurisdiction.</p> <p>2 We're here primarily to assist with</p> <p>3 assets and resources, manpower. However, we</p> <p>4 would like to have the capability there in</p> <p>5 case the need arises for us to have a 911</p> <p>6 Call Center.</p> <p>7 MS. GIBBS: And so with the increased</p> <p>8 staff that you have, 104, I believe you said</p> <p>9 at this time, and you could at least have 150</p> <p>10 to 160 officers. So those officers are</p> <p>11 basically monitoring the Capitol Complex</p> <p>12 District area, is that correct?</p> <p>13 They're just monitoring the area, and if</p> <p>14 they get a 911 call, then they are dispatched</p> <p>15 at that time?</p> <p>16 CHIEF BO LUCKEY: Correct.</p> <p>17 MS. GIBBS: Okay. Another question I</p> <p>18 would like to know. You talked about the</p> <p>19 homelessness in terms of the people that are</p> <p>20 on the streets, breaking into businesses</p> <p>21 because they are hungry and things like that.</p> <p>22 Do you have any solutions for that? Have you</p> <p>23 worked with those agencies that deal with</p> <p>24 homelessness on the streets of the City of</p> <p>25 Jackson?</p>	<p style="text-align: right;">Page 59</p> <p>1 know, to the best of your ability, the</p> <p>2 boundary lines and -- of the CCID and the</p> <p>3 Complex district?</p> <p>4 CHIEF BO LUCKEY: So the CCID on the</p> <p>5 south side boundary is South Street. It runs</p> <p>6 South Street out and takes in JSU. And once</p> <p>7 it takes in JSU, it cuts back up to Bailey</p> <p>8 Avenue. It then runs north on Bailey Avenue</p> <p>9 up into the Woodrow Wilson area, where it</p> <p>10 takes a slight deviation and cuts out and I</p> <p>11 can't remember the street name, forgive me,</p> <p>12 but the -- it cuts west just a little bit and</p> <p>13 then continues north up through the Fondren</p> <p>14 business area to where then it cuts back</p> <p>15 in -- the boundary line, cuts back in east,</p> <p>16 and then there's an odd shaped triangle at</p> <p>17 the top of the Fondren area that goes to</p> <p>18 Meadowbrook. Now our east side boundaries,</p> <p>19 we have -- and this is where it gets a little</p> <p>20 odd, we have to Ridgewood Road on Lakeland</p> <p>21 and then we take in the AG museum and all</p> <p>22 that area there, LaFleur Park, all that. And</p> <p>23 then it cuts back up to highway or I'm sorry,</p> <p>24 Interstate 55 south around Fortification or</p> <p>25 just past Fortification. We can go back up</p>
<p style="text-align: right;">Page 58</p> <p>1 CHIEF BO LUCKEY: I have worked with</p> <p>2 Shower Power in the past. We're looking at,</p> <p>3 like I mentioned earlier, we're going to try</p> <p>4 to come up with some better solutions to some</p> <p>5 of the problems we're identifying. I've only</p> <p>6 been there five months. I'm trying to --</p> <p>7 I've been trying to get this department up</p> <p>8 and going and restructured for the past five</p> <p>9 months. But we have every intention of</p> <p>10 trying to get more involved with individuals</p> <p>11 that are working in the community with the</p> <p>12 homeless and also with our youth.</p> <p>13 Speaker C: Thank you. And I hope that</p> <p>14 we're going to be able to work on the 911</p> <p>15 calls, in terms of when citizens want to call</p> <p>16 in, whether those calls go to JPD, we have</p> <p>17 enough staff to handle that. I think our</p> <p>18 constituents are concerned about that -- as</p> <p>19 Representative Yates mentioned, where those</p> <p>20 calls go and have an adequate police officers</p> <p>21 to be able to address that issue on the first</p> <p>22 911 call. Thank you so much for being here.</p> <p>23 CHIEF BO LUCKEY: Yes, ma'am.</p> <p>24 COMMISSIONER BAINS: Chief, briefly,</p> <p>25 could you explain to those of us that don't</p>	<p style="text-align: right;">Page 60</p> <p>1 to 55 and back down in line with South</p> <p>2 Street. North of Lakeland, we have basically</p> <p>3 the AG museum and Smith Wills Stadium, that</p> <p>4 area. But we stop right at the district, and</p> <p>5 so, literally, depending on which side of the</p> <p>6 street you're on the district as to whether</p> <p>7 or not you're in the CCID or JPD. So, the --</p> <p>8 like I said, the boundaries in the north</p> <p>9 section of the CCID is a little irregular and</p> <p>10 could use some revision, to be honest with</p> <p>11 you. It's a little muddled.</p> <p>12 COMMISSIONER BAINS: Okay. Are there</p> <p>13 any further questions for the Chief? Chief,</p> <p>14 again, thank you for your testimony. Thank</p> <p>15 you for coming. We appreciate your work. We</p> <p>16 always stand ready to help you in any way</p> <p>17 possible. Okay.</p> <p>18 CHIEF BO LUCKEY: Thank you.</p> <p>19 COMMISSIONER BAINS: I'm going to move</p> <p>20 down the agenda again. I see my good friend</p> <p>21 and a friend of the committee, the District</p> <p>22 Attorney of Hinds County, Jody Owens, at the</p> <p>23 end. If -- Jody, you are recognized when</p> <p>24 you're ready.</p> <p>25 JODY OWENS: Thank you, Mr. Chairman.</p>

15 (Pages 57 to 60)

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## Judiciary B Meeting 10/10/2022

Page 61	Page 63
<p>1 Thank you, Mr. Chairman. My colleague, Ada 2 Johann Layman, is passing out to the 3 committee members about six or seven 4 documents that I would like to aid my 5 comments today. I think it's important that 6 we make these conversations fruitful by 7 providing the committee with the actual data 8 of what we're seeing in the City of Jackson, 9 the capitol city, and in Hinds County as we 10 try to explain where we are and how we got 11 here. I'll start first by making some brief 12 comments, and I'll be happy to answer any 13 questions.</p> <p>14 Again, good morning. My name is Jody 15 Owens. I'm the Hinds County District 16 Attorney. Thank you for opportunity to speak 17 with you today regarding the state of crime 18 in the capitol city. Like many of you, as 19 thought leaders, we've worked hard to come up 20 with a solution to have a manageable justice 21 system in the capitol city. But first, we 22 must acknowledge that we have very serious 23 and real problems.</p> <p>24 I was sworn in the office on 25 January 1, 2000 as the district attorney here</p>	<p>1 it's the family unit, the absence of faith 2 based support, schools that need improving 3 economic opportunities, or just to understaff 4 and overwhelmed criminal justice system. 5 It's important to note that the District 6 Attorney's Office for the State of 7 Mississippi is a state agency. My actual 8 title is the 7th Judicial State Attorney 9 position, and the state has funded all of our 10 attorneys and selects how many attorneys we 11 have for every district attorney office in 12 all your respective counties.</p> <p>13 If you look at the chart, my next 14 handout chart, you will look at legislation 15 from 2014. it looks like this. So since 16 2007, the legislature has not funded any full 17 time additional positions for the Hinds 18 County Capitol City District Attorney's 19 Office. But in 2014, almost every District 20 Attorney's Office received additional 21 resources, but the one who needed the most, 22 that being the capitol city. So we have 23 fought the need for more resources since we 24 got here. And in 2020, we first came to 25 legislature and asked for additional</p>
Page 62	Page 64
<p>1 in the capitol city. As you can see in the 2 first handout, in 2018 and 2019, we had a 3 homicide rate of 84 and 81 individuals, 4 respectively. And that's this handout here 5 for those who are following me.</p> <p>6 Subsequently, over the next first two years 7 of my administration, we saw increases of 130 8 and 154 homicides. That represents a 9 60.5 percent increase the first year and a 10 78.5 percent increase in the next year. I'm 11 sad to say that we have more than 25 12 (inaudible) homicides in the State of 13 Mississippi, which is represented by the next 14 three documents. The sheet to the homicide 15 ray by county in 2020, 2021, and 2022. Karen 16 Baines, if you follow, you will notice that 17 Hinds County in 2022, which is a year still 18 going right now, has 150 homicides. And 19 sadly, we had three homicides last night. In 20 2021, we had 156 homicides in Hinds County 21 and again in 2020 and 139 again. That's more 22 than 26 percent right now of the entire state 23 of Mississippi.</p> <p>24 The problems are complex and there's no 25 single problem or solution to crime. Whether</p>	<p>1 resources and unfortunately, we were not 2 successful. We had the conversation, we 3 spoke to the state's leadership to provide 4 them with the data that we were actually 5 doing our job. And if you gave us the 6 resources that we needed, having the most 7 crime, having one of the most populous 8 counties in the state, that we could do more 9 comparably. And again, right now, the state 10 statute only gives us eleven assistant 11 district attorneys. The statute calls 12 assistant district attorneys legal 13 assistants. So when you look at that 14 document, it says legal assistants, that's 15 referring to assistant district attorneys. 16 So just if you look at the eleven ADAs that 17 we have in our office, and you compare that 18 to the number of homicides we have just in 19 the capitol -- just homicides, you will find 20 that our District Attorney's Office is the 21 largest, with the largest volume of crime, 22 but vastly understaffed. And we've been that 23 way since 2007, despite other District 24 Attorney's Office getting more resources, 25 which is why we work within the Prosecutors</p>

16 (Pages 61 to 64)

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## Judiciary B Meeting 10/10/2022

Page 65	Page 67
<p>1 Association, and we request additional 2 resources year after year after year. But 3 Chairman Bains, what we did was we started 4 trying to show you all as thought leaders 5 what we were doing. So we showed you the 6 next handout was how many individuals that 7 were being caught by the Jackson Police 8 Department and now the Capitol City Police, 9 how many individuals were being indicted for 10 crimes. So when people try to understand 11 what's actually happening in Hinds County, I 12 think it's important for you to realize that 13 people are being arrested and people are 14 being indicted at astronomical numbers. And 15 I would challenge you to compare these 16 numbers to any other District Attorney's 17 office in the state. We are indicting 18 thousands of individuals every year and in 19 fact, every month we're indicting individuals 20 at just astronomical rates. But every year 21 we've come back to this body and we're not 22 going to get resources until last year. Last 23 year was a game changer for crime in the 24 capitol city. Last year, a unique group of 25 individuals came together, and we thank you</p>	<p>1 But one of the things I want to make 2 sure I highlight here is that in this chart 3 right here, this is before our special judges 4 are here. Hinds County -- in the last ten 5 months, we've had 25 jury trials. We've had 6 500 cases resolved, 275 guilty pleas. You 7 know, We're doing a lot -- the existing four 8 circuit court judges, that's before we've had 9 any trial whatsoever. We've had 79 percent 10 of all active cases disposed. So we're doing 11 so much with so little. But if you look at 12 we are now with our new judges, that being 13 Judge Vollor, who, of course comes from is a 14 representative of Hinds -- Warren County; 15 Judge Sanders, who's coming from 16 representative Moran and Osbourne County, and 17 representative Harworth, coming from 18 representative Williams, represent Stevenson 19 and Creek -- Morris County. We have this 20 unique possibility in Hinds County, in the 21 capitol city, to get it right. But we don't 22 even know what that looks like now because we 23 just had our first docket call this week. 24 So, as you know, in your process, you go 25 through your process to get the resources,</p>
Page 66	Page 68
<p>1 for what you did. We're working right now 2 with the State Public Defender, my 3 counterpart, Gail Lowry, Hinds County Public 4 Defender is in this office. I see my good 5 friend, Chief Jessie Randolph and his group, 6 we're working together with a plan. And that 7 plan has come together. And let me tell you 8 about that plan. 9 That plan is afforded us the opportunity 10 that, when this bill was signed by the 11 Governor, and the resources were released in 12 July to allow us to have, for a limited 13 period of time, just one year's funding six 14 new ADAS. For a limited period of time, we 15 have four special court judges that have been 16 appointed to the Capitol City. For a limited 17 period of time, the Public Defender's Office 18 has new resources, because if we're being 19 realistic, more than 80 percent of crimes 20 that are committed are individuals in the 21 public defender system. And if we don't fund 22 that system, we can't get a handle on crime. 23 Because if I have a bunch of ADAS, it doesn't 24 make a difference if we can't vet the cases 25 appropriately.</p>	<p>1 which we got in July. Our office, as well as 2 Gail's team, hired all new lawyers, which is 3 difficult to do, but we did that in two 4 months. We have new teams that help fight 5 this thing. And we talk about police with 6 Chief Luckey and Chief Davis and hundreds of 7 officers, but we're talking about a small 8 group of lawyers that you need to prosecute 9 people. The example I give people all the 10 time is when someone breaks out of jail, we 11 get the SWAT team, the dogs, the helicopters. 12 We go looking for them, right? 13 But when you put them in that jail, how 14 few people are you funding to prosecute them? 15 How few people are you funding to determine 16 whether or not they need to be misdemeanor or 17 they need drug treatment or mental health 18 treatment. And that's why, I think, today I 19 want you to know that what you've done so far 20 has been significant but as the lady asked, 21 she said, what if you were king for the day? 22 I would say you have to make this permanent. 23 I would say you at least have to fund it for 24 a minimum of two or three years to see what 25 we can do.</p>

17 (Pages 65 to 68)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 69</p> <p>1 It's so difficult for us, who are hiring 2 lawyers, to hire them for one year the six 3 lawyers I've hired, I've hired from the 4 Attorney General's Office, from the DA 5 Offices of the Prosecutors, because they 6 believe in the capitol city. They want the 7 capitol city to be great. But if we have one 8 year of funding and this is not duplicated 9 next year, it was all for not. We just had 10 our first docket call this week because it 11 takes time for judges to get those dockets. 12 The Chief Justice has given all the new 13 judges pieces of the existing judges cases, 14 right? 15 So everybody understands the problem, 16 that our volume is too high. We have to do 17 something about it, and we have to fund the 18 system appropriately, which we've never done 19 in the last decade, despite funding other 20 systems. And the last thing I would leave 21 you with is that there's four pages of 22 notable prosecutions. It's not accurate to 23 say that people in the capitol city are not 24 being prosecuted. We're giving people life 25 and 30 years time and time and time again,</p>	<p style="text-align: right;">Page 71</p> <p>1 trying to get experts, I'm trying to get DNA 2 tests. so when you look at the problem, look 3 at the solution as being fund us 4 appropriately, support us, because our 5 challenges are very different than anywhere 6 else in the state. 7 Our white collar crime group that many 8 of you know, because the DHS prosecution has 9 more challenges, because we are tasked with 10 that. If you all are threatened when you're 11 here in Capitol City or the Governor's 12 threatened, the Lieutenant Governor's 13 threatened, or the Speakers threatened, those 14 cases come to our office. So we prosecute 15 more -- related to state agencies than anyone 16 else with the same resources to everyone 17 else. at this time, I'm happy to take any 18 questions, and thank you for listening. 19 COMMISSIONER BAINS: Thank you, Jody. 20 We appreciate your testimony. We appreciate 21 what you're doing. My understanding, okay, 22 just for the record, I guess. And to clear 23 it up, you have six new ADAs, is that right? 24 JODY OWENS: Yes, sir. I was allowed a 25 certain amount of money to get investigators,</p>
<p style="text-align: right;">Page 70</p> <p>1 but the volume is just so high that it's 2 newsworthy and it hits the media cycles. 3 But people are working really hard and 4 really diligent, and we're going to keep 5 doing that. But we need consistent funding. 6 And at the very least, we need you to do what 7 you did last year again so we can be in a 8 place to show you that if we've already done 9 26 trials in a year, we're valuing new 10 judges. Let's show you we can do 50 in a 11 year. Because you know those who represent 12 people, it's not the trials that move the 13 dockets to pleas, but to be able to be in a 14 position to get pleas, you have to be able to 15 have trial and judges who are ready. 16 But our existing judges are doing more 17 than any other judges in the State of 18 Mississippi. Again, 25 percent of the 19 violent crime by way of murders happens in 20 one county. And that county has the same 21 budget, roughly \$79,000 allocated from the 22 state as every other county. And some of 23 those counties have three homicides a year. 24 Yet and still when I have 160 homicides last 25 year -- I'm trying to get the crime lab, I'm</p>	<p style="text-align: right;">Page 72</p> <p>1 ADAs and paralegals. We have six currently. 2 The funding has only, you know, one year 3 component with a commitment to do two years 4 hopefully. We're working with some great 5 groups, but right now, the six just got their 6 dockets, but they've been working existing 7 cases as soon as we hired them. 8 COMMISSIONER BAINS: Okay. And the 9 judges are in place. 10 JODY OWENS: They all have been reached 11 out to about their docket calls, and they are 12 all currently scheduled. Unfortunately, as 13 you know, this time of year, things somewhat 14 slow down with the courts as you get into 15 holidays. But the judges have been 16 appointed, they have dockets, and all have 17 been coordinated with. 18 One of the additional challenges that we 19 have that particularly my good friend Greg 20 Snowden has been helpful with, is locations. 21 Judges need courtrooms. They have juries now 22 in trials. And we've had an amazing synergy. 23 Everyone from Chairman now Commissioner 24 Gibson, and people have offered space. I 25 think they've even allowed us to use the</p>

18 (Pages 69 to 72)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 73</p> <p>1 elbow room from time to time. We've looked  2 at spaces to have trials to move the docket.  3 But this has been a massive undertaking. I  4 mean, we've essentially tried to double our  5 system temporarily, and that's been hard.  6 COMMISSIONER BAINS: How far out are you  7 in starting those cases, those trials in  8 those places?  9 JODY OWENS: Realistically, I think we  10 could probably have trials in the next 30  11 days. I mean, we've had to fix ceilings and  12 chairs and create space for people. So,  13 again, I think that what you would see, if  14 you would invite me to come back sometime in  15 the spring, I could show you an increased  16 number of cases that we're resolving, but you  17 really won't see the full thing until we have  18 a year.  19 And you need to see a year of this  20 working that way in all fronts. I talk to  21 the chief about this all the time. The best  22 practices in the country are from someone  23 being arrested to prosecute your case being  24 resolved in a year's time. When we were  25 elected, we were closer to almost two and a</p>	<p style="text-align: right;">Page 75</p> <p>1 JODY OWENS: That's correct. They have  2 people trials and pleas and we're in their  3 dockets and hopefully the Chief Justices will  4 continue to identify more cases. I mean,  5 we're all working in collaboration with each  6 other.  7 COMMISSIONER BAINS: Okay. Any  8 questions for -- yes. Tell us how those  9 cases assigned by the senior circuit judge,  10 by Chief Justice, or is it just pick straw?  11 JODY OWENS: I believe that the Chief  12 Justice asked the existing circuit court  13 judges to identify cases to be released to  14 those judges. Thus far, the Chief Justice  15 does have the authority within his purview to  16 take parts of the docket himself, but I think  17 we're working in conjunction with each other  18 so far.  19 COMMISSIONER BAINS: Okay. And -- okay.  20 So there's no really -- like Sheriff Jones  21 gave something that bothered me. He said  22 that there were some people in his jail who  23 have been there for six -- five, six years  24 pretrial. Those type of cases are still just  25 they're not going to get priority under these</p>
<p style="text-align: right;">Page 74</p> <p>1 half years. Now we're about a year and 16,  2 17 months. Albeit some of the things they  3 discussed, reviewing the Sheriff mental  4 health examinations, you know, that can  5 extend the case two or three years.  6 COMMISSIONER BAINS: And crime lab  7 issues I'm sure.  8 JODY OWENS: Yes, sir.  9 COMMISSIONER BAINS: When that gets up  10 and running, I'm just curious as to the whole  11 procedure of that. The judges are going to  12 be -- they're fully -- full circuit judges.  13 JODY OWENS: They're senior judges who  14 are all part time judges. So we anticipate  15 is those judges being able to do up to two  16 trials a month.  17 COMMISSIONER BAINS: That's where I was  18 going. Are these judges going to be more --  19 having- do you anticipate them having more  20 trials, more pleas? Is this a mechanism for  21 the kind of funnel trials of these judges, or  22 is it just they're going to do what? They  23 have their own docket and they take care of  24 their cases. However, those cases are  25 disposed -- that's how they're disposed.</p>	<p style="text-align: right;">Page 76</p> <p>1 new judges?  2 JODY OWENS: Certainly the jail  3 population always gets priority. If you look  4 at the list of notable cases that have  5 happened the last two years, if you look at  6 those case numbers, you will see some of  7 those case numbers are four and five years  8 old. Those are the cases that we're trying  9 to try. We get a list every month from the  10 Sheriff's Office of those individuals who  11 have been in the jail for how long, how part  12 is to make sure they've been indicted and  13 their cases are moving and nothing stopping  14 those cases from moving. Procedurally, there  15 are things to halt those cases. Again, like  16 we mentioned, but no one should be at the  17 jail pretrial detention for that period of  18 time. Our goal is get those individuals  19 prosecuted in DOC's custody.  20 COMMISSIONER BAINS: Understand. Any  21 questions from committee members, gentlemen,  22 from Pearl River, thank you.  23 CHIEF DAVIS: Thank you, Mr. Owens.  24 Just a quick question. What wait time are  25 you seeing with the state hospital as far as</p>

19 (Pages 73 to 76)

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## Judiciary B Meeting 10/10/2022

Page 77	Page 79
<p>1 competency exams are concerned?</p> <p>2 JODY OWENS: Minimum of a year. There's</p> <p>3 generally two years for us -- there's a wait</p> <p>4 for beds. Obviously, we have the highest</p> <p>5 population of individuals waiting for beds</p> <p>6 and then getting those reports back. And</p> <p>7 then again, whether you're restoring the</p> <p>8 individual, he or she can be competent for</p> <p>9 trial. Alternatively, on our end as the</p> <p>10 state, we want to see and wait that process</p> <p>11 out. So two and a half years is very normal</p> <p>12 for us. I think that if you look at the</p> <p>13 sheriff's population and those individuals</p> <p>14 who are waiting, a vast majority are waiting</p> <p>15 for those beds, all those examinations, and</p> <p>16 that, at the end, that's very different for</p> <p>17 the system.</p> <p>18 CHIEF DAVIS: And that was going to be</p> <p>19 my follow up, just to provide clarity to the</p> <p>20 committee. So when you're waiting for a bed</p> <p>21 at the state hospital to be examined, you're</p> <p>22 waiting in the jail, is that correct?</p> <p>23 JODY OWENS: Correct. The jail is a de</p> <p>24 facto mental health asylum at that point, a</p> <p>25 facility. They can't provide the resources.</p>	<p>1 Court piece, because we have increased the</p> <p>2 number -- well, we haven't increased the</p> <p>3 number of Circuit Court judges, and I know</p> <p>4 that's been an issue as well.</p> <p>5 JODY OWENS: Yes, ma'am.</p> <p>6 Speaker C: Okay. So are we saying that</p> <p>7 we need additional Circuit Court judges</p> <p>8 because we now have senior staff judges that</p> <p>9 are helping because of the backlog? I'm just</p> <p>10 trying to figure out, strategically in my</p> <p>11 mind, the Circuit Court is in the middle, law</p> <p>12 enforcement on one side, and then we got</p> <p>13 appointed senior judges on the other side.</p> <p>14 What do we need to do to help with that flow</p> <p>15 perhaps on more of a permanent basis?</p> <p>16 JODY OWENS: And I think we use the term</p> <p>17 backlog to mean a lot of different things. I</p> <p>18 think the challenge would be really to</p> <p>19 understand that when you have 80 percent</p> <p>20 increase in two years of homicides, you also</p> <p>21 have generally an 80 percent increase of all</p> <p>22 crimes. So when you have four Circuit Court</p> <p>23 judges who are working diligently, but half</p> <p>24 of their dockets are civil, and then you give</p> <p>25 them 80 percent more work to do, that's</p>
Page 78	Page 80
<p>1 And what we're seeing is those individuals</p> <p>2 are the most disruptive, obviously, in the</p> <p>3 jail, the most self harm, and those</p> <p>4 individuals. Unfortunately, that's the</p> <p>5 system we have in place.</p> <p>6 CHIEF DAVIS: Okay, thank you.</p> <p>7 COMMISSIONER BAINS: I think I saw --</p> <p>8 lady from Hinds.</p> <p>9 Speaker C: Thank you, Dee, for being</p> <p>10 here today. Could you just clarify something</p> <p>11 for me? Because I think all of you all have</p> <p>12 mentioned about the backlog. And I'm hearing</p> <p>13 the backlog starts at the beginning with law</p> <p>14 enforcement, in terms of arresting people,</p> <p>15 and now they're in jail, and they're waiting</p> <p>16 pretrial. And so that's a backlog, because</p> <p>17 the increase of crime, I guess, don't let me</p> <p>18 put words in your mouth. I'm just trying to</p> <p>19 repeat what I'm understanding so that's a</p> <p>20 backlog from that perspective. But when it</p> <p>21 gets to the Circuit Court perspective, I</p> <p>22 understand we have provided funding for</p> <p>23 senior staff judges not to come and help with</p> <p>24 that load. So I'm trying to figure out where</p> <p>25 the backlog is as it relates to the Circuit</p>	<p>1 difficult, if not impossible, for anyone.</p> <p>2 When we look at the backlog, we look at</p> <p>3 about, you know, case volume. Are we moving</p> <p>4 cases, and do we have the resources to move</p> <p>5 cases quick enough? I think in many ways,</p> <p>6 the volume is synonymous with backlog because</p> <p>7 the volume is so high. We certainly need a</p> <p>8 permanent judicial seat in the capitol city.</p> <p>9 Other districts throughout the state have got</p> <p>10 that the same amount of time, we don't have</p> <p>11 that, and I think most people will agree with</p> <p>12 that.</p> <p>13 When you look at the special judges, one</p> <p>14 of the things that Chief Justice and I</p> <p>15 discussed was that we wanted to make sure</p> <p>16 that the defendant's rights were protected.</p> <p>17 And he picked special judges who were senior</p> <p>18 judges who had low rates of appeals because</p> <p>19 this is an expensive process and you don't</p> <p>20 want to waste the taxpayers time and then</p> <p>21 have to do it all over again. So we wanted</p> <p>22 to make sure we identified judges with the</p> <p>23 experience and the record. They could make</p> <p>24 sure that they knew what they were doing.</p> <p>25 And I think we've done that so far.</p>

20 (Pages 77 to 80)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 81</p> <p>1 COMMISSIONER BAINS: That it, lady --  2 okay. Any further questions for Mr. DA? I  3 think that's it. Jody, thank you. You're  4 always welcome to this committee. We  5 appreciate your hard work, and like I told  6 the Sheriff, you're free to stay or to go,  7 but we do appreciate you coming here, and  8 anything we can do, we stand ready.  9 JODY OWENS: Thank you, sir, very much.  10 COMMISSIONER BAINS: All right, next up  11 is a good friend, Andre de Gruy. Andre, if  12 you'll come, you know, you've testified a  13 number of times, so you recognize when you're  14 ready.  15 ANDRE DE GRUY: Thank you Mr. Chairman.  16 Good morning and thank you all for allowing  17 me to be here, inviting me to be here. It's  18 a wonderful opportunity. I was excited to  19 hear that this committee wanted to  20 specifically look at what's going on in  21 Jackson. I am Andre de Gruy, the State  22 Public Defender, so I speak for public  23 defenders all over the state. We're looking  24 to make changes and reforms in the public  25 defender system all over the state.</p>	<p style="text-align: right;">Page 83</p> <p>1 We had to -- we had, from the defense  2 perspective, I think, some additional  3 challenges, because while we have all of  4 these people in this backlog system -- and  5 there's no question there's a backlog, that  6 they all had attorneys, some a few had  7 retained counsel, some conflict outside  8 counsel.  9 And we've assumed some of those cases,  10 as well as the majority of what we're doing,  11 is coming in with the Hinds County Public  12 Defender's office not to take over their  13 cases, but to handle these cases with them  14 and much like what we see with Capitol Police  15 and Jackson Police working together and the  16 Sheriff working together, that if you bring  17 more people in, even though they're in  18 different agencies, there's only so much time  19 in the day for the officer to patrol, for the  20 attorney to work on his cases.  21 And so we determined that bringing in --  22 coming in as a second attorney with the  23 extent the already established relationship  24 and not disturbing that between attorney and  25 client. I suspect most of you have not been</p>
<p style="text-align: right;">Page 82</p> <p>1 But I've also been a resident of Jackson  2 for over 35 years. My wife and I have raised  3 five children here. Three of my adult  4 children -- or two of my three adult children  5 have returned to Jackson. They starting  6 their careers in Jackson. none of them  7 living with me, so that's good. I also spent  8 early in my career, five and a half years in  9 the Hinds County Public Defender System.  10 And then, of course, most recently, as  11 has been mentioned, I'm having an  12 opportunity, maybe at the end of my career,  13 to come back and work closely with the Hinds  14 County Public Defender's Office. as the  15 District Attorney alluded to this has been  16 getting started on this project has been  17 difficult. It's been a challenge,  18 particularly that one year limit, to try to  19 bring in experienced lawyers. And that's  20 what we knew we were going to have to have.  21 We had to sit down and -- Gail Lowry,  22 our Hinds County Public Defender is here  23 today. Gail and I started meeting early on  24 to figure out how we meet this challenge,  25 knowing full well what we were jumping into.</p>	<p style="text-align: right;">Page 84</p> <p>1 in the system in that capacity, where you're  2 a client depending upon a lawyer to protect  3 you. And you really need that relationship  4 to be strong. And so we are basically  5 blending cultures from two different offices  6 and two different styles.  7 You know, those of you who know me will  8 find this as a surprise, but I'm not always  9 easy to get along with. And so blending that  10 in and then on the individual cases, it has  11 been a challenge. Our lawyers -- and we've  12 got the first two pages I like to say it's  13 one page because it's front and back, but  14 it's technically two pages -- is an overview  15 of what we have developed in this program.  16 So while the judges just got appointed last  17 month, our lawyers have been working since  18 August 1st.  19 We have some challenges in how we're  20 setting it up. But you'll see, on the second  21 page, we have some goals. And our goals are  22 to reduce the jail population and to  23 particularly reduce the jail -- not just  24 pretrial detention, that's what's supposed to  25 be in the jail, but the unindicted, what's</p>

21 (Pages 81 to 84)

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## Judiciary B Meeting 10/10/2022

Page 85	Page 87
<p>1 been referred to in the media as the dead 2 zone. People who go from their preliminary 3 hearing until they are indicted. And the 4 Sheriff, I would say, is doing because I've 5 got some data, pictures in here for you -- 6 the Sheriff is collecting very good data and 7 sharing it, which is really important because 8 too many agencies are operating in these 9 silos, looking at their own data and not 10 sharing it.</p> <p>11 But the Sheriff has -- you know, you're 12 asking for who's in the jail, Mr. Chairman. 13 He can tell you. He can tell you why they're 14 there, how long they've been there. And so 15 when we started looking at that data, 16 initially we thought we were going to come 17 in, we were going to take a whole bunch of 18 homicide cases. So we hired lawyers who were 19 experienced in homicide cases and we'd be 20 trying cases. And what we found was, while 21 that's certainly the biggest problem, it 22 is -- it's not the only problem. And so we 23 have, working with the Public Defender's 24 Office, we are shifting some of our focus 25 this week, really. we were taking 100 of</p>	<p>1 they hired a new public defender because they 2 had a system where you had representation at 3 the preliminary hearing, and then you had no 4 lawyer until you got indicted.</p> <p>5 And after the new rules came out from 6 the Supreme Court, Judge Emfinger, then the 7 Circuit Judge -- Senior Circuit Judge, 8 changed how they did it, and he convinced the 9 Board of Supervisors to hire another lawyer 10 just to handle those, what I'll call the dead 11 zone cases. And they're just different 12 things you can do. It's not always bail 13 advocacy, although we know that there are 14 people getting left behind there, but we know 15 it's also -- these are people that can 16 resolve this case.</p> <p>17 And rather than waiting for the District 18 Attorney to be able to get it, and I think he 19 alluded to this a little bit, we can screen 20 these cases and take them to him to plea on 21 an information and certainly identifying the 22 huge problem with the mental health 23 population. You know, we're talking about 24 hundreds of people in there, and a lot of it 25 is, as one of the earlier speakers talked</p>
Page 86	Page 88
<p>1 these, 200, I think from the Sheriff's last 2 report, just not indicted for they've been in 3 jail for 90 days or more and aren't indicted 4 yet -- 221 people.</p> <p>5 And the majority of those are public 6 defender clients. And so we're taking almost 7 100 of those cases. We're going through them 8 right now. We've already found somebody who 9 has been indicted and it just hadn't updated 10 in the system yet. But for the most part -- 11 these are -- we're going to take these I 12 think it's around 90 people, the numbers in 13 the report, and we're going to start meeting 14 with them. And I told -- it's a part of the 15 system that Ms. Lowry is very concerned about 16 that their lawyers handling most of these 25 17 trials and moving these pleas, just don't 18 have the time to focus on that.</p> <p>19 And so we're going to dedicate a good 20 chunk of our time on those cases. And these 21 are some people who need -- maybe they should 22 be on bail. We've got to look into that. 23 But we think a lot of these people would be 24 able to plea on information. It's actually a 25 model that comes out of Rankin County that</p>	<p>1 about, the homelessness problem isn't just 2 homelessness, it's also mental health.</p> <p>3 There's a lot of crossover there. And 4 then you have the breaking into buildings. 5 So, these are not violent crimes. They have 6 to be addressed. But we need to find a way 7 to address them without clogging the system 8 further and to get people both help and to 9 prevent these future crimes. And so one of 10 the components that we want to introduce here 11 that hasn't been done in indigent defense in 12 Mississippi, and again, needing an 13 experienced person who can work -- they have 14 to work part time. They're not going to quit 15 a job on a nine month promise.</p> <p>16 And -- but we want to bring social 17 workers in, and we're going to bring multiple 18 on contract to work with these lawyers to 19 identify problems and solutions for these 20 people, because that's what the social worker 21 brings. You know, you do enough criminal 22 defense work, you can identify a mental 23 health problem, but you don't know what the 24 solution is, or even a homelessness problem, 25 but you don't know the solution. And so</p>

22 (Pages 85 to 88)

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## Judiciary B Meeting 10/10/2022

Page 89	Page 91
<p>1 introducing social work to this, we think is 2 going to be very beneficial. 3 Now, going past that, as we started, I 4 would say the first thing you need to do 5 before you make any decisions on -- is to ask 6 the king for his data. Don't just say you're 7 the king for the day. Tell me what to do. 8 We have to look at the data. And so what we 9 started in these early meetings of -- first 10 with the public defender, and then I've met 11 individually with three of the four judges 12 and also we've had some meetings where the 13 judges and the prosecutors and the defenders 14 were in the same meeting. And then the 15 defenders and the prosecutors are meeting 16 individually, just -- without the judges 17 present. Sometimes we just have to do that, 18 just like they meet without us. 19 So one of the first things we wanted to 20 know, you know, we're hearing about this 21 backlog, we know we hear in the media what's 22 about crimes. So what the District Attorney 23 brought to the first meeting was some data 24 from JPD that was comparing it -- the meeting 25 was on June 2nd. So they went through May.</p>	<p>1 saying he's also seeing the youth as victims. 2 That happened -- that's happening. 3 But we track data all over the state 4 because of the U.S. Supreme Court decision 5 that allows youth under 18 to have a 6 sentencing option on a homicide case or any 7 case that carries a life sentence. So we've 8 been tracking that data. And I could tell 9 you that youth crime, homicides where a youth 10 is the suspect, have increased in Jackson -- 11 or in Hinds County because we track it by 12 county, but it's -- they are not responsible 13 for this doubling of homicides. And the 14 number, the increase among youth is a smaller 15 percentage than the total increase in 16 homicides. 17 So it is across the board, but this is 18 not simply a problem of youth being out of 19 control. And so -- but when we talk about 20 three dozen kids in youth detention charged 21 as adults, being housed for adult crimes, 22 that way too many. I do want to tell you 23 that the next page you see is criminal 24 dispositions. And this comes from the AOC -- 25 across -- this is all criminal cases and</p>
Page 90	Page 92
<p>1 So we took that data that they provided and 2 the available public data and tried to do a 3 chart that sort of compares -- this is just 4 five months. It's not a full year. And 5 we're asking for update to that data. But 6 you can see this is from the Major Crimes 7 Division report of JPD that crime has been 8 fluctuating. And these are crime reports, 9 not necessarily arrests. We've talked 10 about -- earlier speakers have talked about 11 what they call clearance rates. So this 12 isn't necessarily impacting the criminals -- 13 the legal system yet because there are people 14 that haven't been arrested. 15 But the one clear thing when you look at 16 across the pre-pandemic years, the pandemic 17 years where we are today, a 30 percent 18 increase in homicides over the three year 19 average before, and it was already going up. 20 So that number from -- when you look if you 21 look back to the early months of 2019, 22 39 homicides, the first five months of 2022, 23 59 homicides. So I do want to say one thing, 24 because people often talk about youth and 25 look to youth, and I appreciate the Sheriff</p>	<p>1 comparing it to the 7th Circuit Court 2 District. So we've had a decade of declining 3 dispositions. Now there's a huge gap in this 4 data. 5 And I want you to know we're working on 6 this because the HB585 required cities and 7 counties to -- also justice courts -- to 8 start collecting data on their dispositions. 9 And so we now have about six years of data, 10 and we're going to isolate the City of 11 Jackson, Jackson Municipal Court, and be 12 able -- and then just the violent felonies 13 and see where they are compared over years, 14 what trends happening. So by the start of 15 the session, I think we will have the mental 16 picture in this display that's probably, I 17 think, the most important. Who's coming into 18 the system. You'll be able to see in that -- 19 and it comes in six month chunks, so you can 20 look at it in six months and in a year, and 21 in two years -- people who are arrested, 22 released and rearrested. 23 And I think, you know, it happens, and 24 none of us would on the defense side would 25 pretend it doesn't happen. I think we're</p>

23 (Pages 89 to 92)

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## Judiciary B Meeting 10/10/2022

Page 93	Page 95
<p>1 going to find that it doesn't happen as 2 nearly as often as people believe it does, 3 but that's a gap in the data.</p> <p>4 The next two are the new data from the 5 FBI on just trends. And this is comparing 6 Mississippi and the nation. And I will tell 7 you it cuts off at 2020 because there are a 8 lot of questions. They've shifted to a new 9 data system and not everyone's reporting. 10 And as far as I know, City of Jackson's not 11 reporting to the FBI -- their Uniform Crime 12 Report. This is just the data through the 13 old system in 2020 where we see trends and 14 they have property offenses and violent 15 offenses separately and we see where the 16 uptick is, is in violent offenses.</p> <p>17 And that's during the very beginning 18 of -- or the first year of COVID And so what 19 we see more of what we're looking at in the 20 City of Jackson is really homicides. It's 21 not just violent crimes, it's homicides that 22 are the real problem.</p> <p>23 So the next picture I have is -- we've 24 talked about this big blue bar here of what 25 this legislature appropriated to the Capitol</p>	<p>1 people who are brought into the criminal 2 legal system cannot afford a lawyer, and they 3 languish in jail because they can't afford a 4 lawyer, nobody to advocate for them. They're 5 stuck there.</p> <p>6 And so the last document is, what the 7 latest version of our next step -- because, 8 again, I'm the State Public Defender, not the 9 Jackson Public Defender. But we've got a 10 plan. We need improvements all over the 11 state. But if you turn to the last page, we 12 have a unique model that we would like to 13 introduce in the City of Jackson. And it 14 would bring together, not just -- that it 15 would be unique in the State of Mississippi. 16 It's not unique everywhere. It's been 17 implemented in the City of Detroit. It 18 started in the City of New York. And it 19 is -- it would blend together not just 20 lawyers who represent people on felony cases, 21 but they could also handle municipal court 22 misdemeanors.</p> <p>23 They also -- that would be the house for 24 our parent defender, who the largest 25 population of foster kids is always</p>
Page 94	Page 96
<p>1 Police. And that's -- we've already heard, 2 and I know they are asking for even more, but 3 right now they've got about \$12 million -- it 4 looks like \$11 million of state funding. 5 That's on top of what the city is doing and 6 the county is doing.</p> <p>7 The District Attorney told you about -- 8 he's a state official. The vast majority of 9 his budget comes from you. What we're 10 spending on the prosecution, what we're 11 spending on the courts. And there's been, I 12 would say yes to the District Attorney saying 13 maybe we need another judge. I would say 14 from our meetings with these judges over the 15 last six months and the fact that they're 16 telling you they've done 25 trials, they may 17 be wearing out, but they are doing -- the 18 problem with this backlog is not the courts. 19 I'm not saying they don't need another 20 judge -- I think they may be, but they'll 21 make that case for you.</p> <p>22 But there's nothing -- we're not 23 spending anything other than this year, one 24 year of ARPA funds on the 6th Amendment, the 25 right to counsel, that the vast majority of</p>	<p>1 fluctuating between Harrison and Hinds 2 County. And we're funding a part time parent 3 defender, and we would want to bring that in 4 and give them access, both full time and 5 access to social workers, because this office 6 would include social workers and 7 investigators.</p> <p>8 And I think we have a concept paper that 9 we're working on with the neighborhood 10 defender on what it would be. And the 11 advantage to this is that they would also 12 bring in private funds to include a civil 13 legal service arm, too, to relieve the 14 pressure on our legal service system in 15 Mississippi for civil matters, particularly 16 things like evictions that lead to criminal 17 activity. People lose their job, they get 18 kicked out of their house, and then they're 19 breaking in someplace. And so it's a 20 holistic approach, and we will be coming to 21 you. And it's in our budget request already 22 that we're asking the authority to do that in 23 a permanent way.</p> <p>24 And with that, I would be happy to field 25 any questions about anything related to</p>

24 (Pages 93 to 96)

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## Judiciary B Meeting 10/10/2022

Page 97	Page 99
<p>1 public defense or the City of Jackson, 2 including places to eat out and good 3 neighborhoods. 4 COMMISSIONER BAINS: All right, any -- 5 Andre, thank you for your testimony. Any 6 questions for Mr. de Gruy? You always say 7 good job, always well prepared. We do 8 appreciate what you're doing. I represent -- 9 I'm the public defender for Tishmingo County, 10 so I understand, and I sympathize with a lot 11 of the stuff. 12 We have different issues up there, but 13 they're all still the same. And one of the 14 very things is that we do on the start of 15 every term is we go over the jail docket and 16 talk about those that have been over in jail 17 more than a year to see what the problem is. 18 And very often, as you've alluded to, and I 19 think you were saying this in your testimony 20 about the backlog and the creation of the 21 backlog -- some of that I understand. 22 COVID did a number on a lot of things. 23 Some of that is stuff that has to do with the 24 crime lab, with mental evaluations, psychotic 25 evaluations and stuff such as that, that are</p>	<p>1 what point where are you going with those? 2 ANDRE DE GRUY: What the practice in 3 Hinds County is, if it's a county case, if it 4 happens outside of any municipality, they 5 do -- they usually around the rest of the 6 state, they go to Justice Court. Hinds 7 County, those go to a county court judge. 8 They have one dedicated county court judge, 9 Byram, Clinton, Utica. They will have their 10 own preliminary hearings. And I think the 11 Public Defender's Office does -- they go at 12 least to Clinton. I don't know if they go to 13 other of these smaller municipalities. 14 Jackson Municipal Court does, obviously, the 15 majority of preliminary hearings but -- so, 16 to get from Jackson Municipal Court to the 17 county court. For those, the cases are 18 actually transferred. 19 And this is something that started when 20 I was in public defender's office in the 21 '90s. They transfer usually violent crimes. 22 They'll do the prelim in the county court. 23 So I would say they definitely need another 24 county court judge. I don't know if the 25 county is asking for that, because I know</p>
Page 98	Page 100
<p>1 out of the hands of law enforcement, out of 2 the hands of lawyers and the courts. And 3 that -- that goes to the delay of some of 4 these prosecutions. Your office or Hinds 5 County Public Defender's Office, I didn't 6 catch it, I don't think, but they're able to 7 begin representing these clients at the 8 preliminary hearing? 9 ANDRE DE GRUY: Yes, they do. They pick 10 the cases up. Actually, they -- they have -- 11 they usually have a presence at initial 12 appearance, but they do the preliminary 13 hearings, and then -- and they still 14 represent the person, but they just have not 15 had the time to actually spend if the person 16 doesn't call them regularly to draw them 17 down, the majority of their lawyers are in 18 the trial -- in the circuit court working. 19 COMMISSIONER BAINS: That's where I was 20 going. Forgive me, because I do not deal 21 with a county court. I don't have a county 22 court in my county, and I only have one in my 23 judicial district. Those preliminary 24 hearings, are those dealt with at the county 25 court level or Justice Court or how -- or at</p>	<p>1 they have to pay for it. 2 COMMISSIONER BAINS: How many does Hinds 3 County have now? 4 ANDRE DE GRUY: They have three. One 5 does exclusively youth court, one does all 6 the civil matters, one does the criminal 7 matters, which is majority of their time is 8 dealing with these felonies. 9 COMMISSIONER BAINS: How many Justice 10 Court judges does Hinds County have? 11 ANDRE DE GRUY: I assume five, but I 12 don't. 13 COMMISSIONER BAINS: Okay. 14 ANDRE DE GRUY: Yeah, they have five. 15 Again, they don't touch the felony criminal 16 case. 17 COMMISSIONER BAINS: They don't do 18 preliminaries at all. 19 ANDRE DE GRUY: No. 20 COMMISSIONER BAINS: But the city 21 judges -- and what about, like, the cities of 22 Byram or Raymond that -- they have the 23 preliminaries in those cities? 24 ANDRE DE GRUY: They do have the prelims 25 there. You know, I can remember going to</p>

25 (Pages 97 to 100)

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## Judiciary B Meeting 10/10/2022

Page 101	Page 103
<p>1 Edwards to do a preliminary hearing, and the 2 entire city was in the room we were having 3 the hearing in, I think. But, yeah, they 4 do -- obviously far fewer people. They're 5 also dealing with the misdemeanors in those 6 cases, in those jurisdictions. 7 COMMISSIONER BAINS: Right. Okay. Any 8 further questions for Andre? I don't see 9 any. Thank you, Andre. 10 ANDRE DE GRUY: Thank you. 11 COMMISSIONER BAINS: You're always 12 welcome. Next we're going to go to John 13 Gomez of Downtown Jackson Partners. 14 Mr. Gomez, if you would, just go to the end 15 of the table and you are recognized to begin 16 when you are ready. 17 JOHN GOMEZ: Morning. I would like to 18 thank the House Judiciary Committee for 19 allowing me to speak today. 20 My name is John Gomez, I'm the president 21 of Downtown Jackson Partners. Downtown 22 Jackson Partners oversees the 65 block 23 business improvement district. The district 24 was formed in 1996 by private property owners 25 who saw the challenges downtown were facing</p>	<p>1 state up until recent years where we've seen 2 increases in our crime, and the past year 3 we've seen some violent incidences that we're 4 just not accustomed to. 5 So, I'd like to thank the legislature, 6 the Speaker, Lieutenant Governor, and 7 Governor for funding more capitol police 8 officers in this past session, judges for 9 Hinds County and attorneys for Hinds District 10 Attorney's Office and Public Defender's 11 Office, because the people that investing in 12 downtown live downtown -- they're watching 13 what's happening. They see these new 14 developments increase public safety as a way 15 to help make them feel better about their 16 investments in downtown. 17 So -- I would like to say that we 18 appreciated the increased patrols because 19 that's what our investors, anybody that's in 20 downtown, they want to see more police on the 21 street, they want to see that presence 22 because you hear all the information about 23 the lack of officers. So anytime you see 24 more police presence on the -- in downtown, 25 it's been greatly appreciated.</p>
Page 102	Page 104
<p>1 across the nation and decided to assess 2 themselves with fee to improve the downtown 3 district. These visionaries saw the need to 4 supplement city services of the city with 5 additional security and maintenance programs 6 and to promote downtown as a place to live, 7 work, and play. 8 Downtown has seen approximately 9 \$1 billion in development since 2000. Local 10 and out of state developers have invested in 11 downtown, most notably turning downtown into 12 a residential neighborhood with around 400 13 residents. Public investments have been 14 immense during that time frame, with state 15 renovating constructing new offices and 16 local -- the city renovating their office 17 buildings. They did beef -- their code -- 18 facilitator to bring groups together to 19 better downtown. 20 And I think we've heard from speakers 21 earlier about the crime issue in the city, 22 but in my 17 years at Downtown Jackson 23 Partners, the perception of downtown did not 24 feed the reality of downtown. Downtown has 25 been one of the most safest places in the</p>	<p>1 I know we've asked previous speakers 2 about what they'd like to see. What I think 3 a big issue for downtown is that we've 4 touched on earlier in this meeting is that 5 Downtown Partners would like to help create a 6 comprehensive plan for all these different 7 agencies that are -- have jurisdiction in the 8 CCID and downtown to have that created. 9 Because what we want, what we hope for is if 10 there's someone in need, they contact law 11 enforcement, we need a seamless transition or 12 response to when they call and someone 13 responds. Because we -- quite frankly, 14 people don't really care who responds to 15 them, their time of need, but they just need 16 to know when we call 911, someone's going to 17 be there to respond quickly and effortlessly. 18 And I think -- as we've seen more 19 capitol police officers in downtown, I think 20 one plus that -- one thing that I would ask 21 everyone to just review, to look at is since 22 Capitol Place is such a presence in downtown 23 in the Capitol Complex Improvement District, 24 if they could have some expansion of their 25 authority to enforce local ordinances. I</p>

26 (Pages 101 to 104)

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## Judiciary B Meeting 10/10/2022

Page 105

1 think as we've touched on, a lot of these  
2 small issues that -- that affect us greatly  
3 or just being able to keep people free of  
4 sidewalks, move people out of places where  
5 the local ordinance says if it's closed, you  
6 know, they need to move along. So a lot of  
7 this has to do with the homelessness issues  
8 because quite frankly, it has a negative  
9 effect on downtown.

10 We have -- we've hired a homeless  
11 outreach worker for the last two years to go  
12 to the streets and assess the homeless  
13 population because we just felt like we had  
14 to do something to help with homelessness  
15 issue. And we found that the homelessness  
16 population is a diverse group of people  
17 filled with individuals who have addiction  
18 issues, mental health issues -- that we've  
19 all noted earlier, and that we've gotten good  
20 data on the homeless population now. And if  
21 I could ask this body for additional help, I  
22 would say anything -- any additional funding  
23 to help with the mental health population  
24 would be greatly appreciated because a lot of  
25 this care for these individuals, they just

Page 106

1 need a specialized care that they need a lot  
2 of round the clock assistance for, so. A  
3 lot of our local organizations, they do  
4 great job. Social service organizations like  
5 Stewpot Gateway providing meals and services.  
6 But a lot of the homeless population just  
7 needs a specialized care that even though  
8 these service providers are working as hard  
9 as they can, they're just not equipped to  
10 meet those needs.

11 I do want to also thank the State for  
12 funding several projects for Jackson in the  
13 past session. I know this goes beyond public  
14 safety, but making downtown a vibrant  
15 community, we need things like the Thalia  
16 Mara Hall that provides a venue for concerts,  
17 symphony performances, Broadway plays. And  
18 next summer, we're hosting the International  
19 Ballet Competition. It's -- we're one of  
20 four cities -- Varna, Bulgaria, Moscow and  
21 Tokyo. I know Tokyo is kind of odd to be in  
22 this list of places, but we're bringing 100  
23 dancers from around the world, 40,000 people  
24 to Mississippi to showcase Mississippi. And  
25 having a great venue like Thalia Mara Hall

Page 107

1 makes it just that much easier to showcase  
2 what Mississippi has to offer to the world.  
3 So we appreciate that.

4 And -- again, kind of parting from, I  
5 guess, the focus of this, we I do want to  
6 thank the state with helping us with our  
7 water crisis, because even though this is not  
8 public safety and infrastructure, two of our  
9 biggest concerns when we're trying to attract  
10 businesses and retain businesses because they  
11 want reliability. They want to make sure  
12 that they have water that they can drink,  
13 they can -- they're in office tower that  
14 their cooling system can work with the proper  
15 pressure and their bathrooms can flush the  
16 toilets -- will flush in the bathrooms. This  
17 is a major concern of ours and solving this  
18 water crisis has been great for us. We  
19 really appreciate it.

20 And those are my prepared comments if  
21 you have any.

22 COMMISSIONER BAINS: Thank you. John,  
23 we do appreciate you. You had touched on  
24 wanting to do a coordinated effort between  
25 all this different stakeholders, the city,

Page 108

1 the city -- the Hinds County Sheriff, Jackson  
2 PD, Capitol Complex PD, or whatever the case  
3 may be. Has any of that happened -- about  
4 getting this plan, about a plan together  
5 between the private sector and these public  
6 entities, so to speak?

7 JOHN GOMEZ: It has been discussed, but  
8 we'd be more than happy to help anywhere we  
9 can. But I think that's something that needs  
10 to be worked on and looked at. I know we've  
11 talked about having a seamless 911 system,  
12 and I think that's part of it because, you  
13 know, you have three different entities  
14 Department of Public Safety, Hinds County  
15 Sheriff's and Jackson Police Department that  
16 have jurisdiction within CCID. And it's  
17 still relatively new, but I think having that  
18 plan in place needs to be done.

19 COMMISSIONER BAINS: I'll recommend any  
20 members have any questions. Okay. I don't  
21 see any. John, thank you for coming. We  
22 appreciate what you do for downtown Jackson  
23 and the State in general. Okay. Thank you.

24 JOHN GOMEZ: Thank you.

25 COMMISSIONER BAINS: I'm going to go

27 (Pages 105 to 108)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 109</p> <p>1 now -- I've been told that the Chief of 2 Jackson Police has showed up. Chief Davis, 3 if you will. I'll recognize you. I'm going 4 to keep the Chief Justice last. Judges 5 always make me wait, Chief Justice. So I'll 6 get an opportunity to make you wait. So I'll 7 recognize Chief Davis. When you're ready, 8 you're recognized. 9 CHIEF DAVIS: Well, good morning 10 everyone. Thank you for having us. The 11 mayor is out, so he is unable to be here. 12 But I want to just talk about crime. Crime 13 is multi-fashion. We deal with a lot and 14 like other cities across -- major cities 15 across America since the Pandemic, we have 16 seen a surge in violent crime all across 17 America, not just Jackson, Mississippi. 18 So when you're talking about crime, 19 there's three C's to the criminal justice 20 system: cops, court and correction. Anytime 21 a major city is faced with obstacles of not 22 able to put people in jail, having to depend 23 on the state crime lab for evidence to 24 prosecute a case. Again the bottleneck and a 25 lot of individuals that should be in jail are</p>	<p style="text-align: right;">Page 111</p> <p>1 4,000 arrests. So we are working, we have 2 made 1,200 felony arrests and 2,850 3 misdemeanor arrests. Last couple of years we 4 have been plagued with not having a holding 5 facility. And as a result, we had to fear 6 (phonic) release so many people. So when a 7 community feels that there's no consequences 8 because we don't have that holy facility, 9 that becomes a problem for the community, 10 that becomes a problem for officers, because 11 we need the necessary tools. Any major city, 12 you need the necessary tools to enforce the 13 law. And when you don't have that most vital 14 tool, as a holding facility -- now, what you 15 have is individuals on the streets knowing 16 that they can get away. 17 And I meet with our community, I meet 18 with our officers. And right now, today, 19 we're trying to -- we're working on in the 20 very near future, open to the Jackson 21 Detention Holding Facility, so that we can 22 put a clear cut message out to these bad 23 actors, that if you commit a crime in 24 Jackson, you will go to jail. 25 And thank you for all the judges, thank</p>
<p style="text-align: right;">Page 110</p> <p>1 out on the streets. The community see it, 2 law enforcement see it. When law enforcement 3 apprehends someone catching for a crime and 4 you have to wait to be prosecuted and these 5 individuals are still out on the street 6 committing more crime to homicides. We have 7 many cases individuals should have been in 8 jail, they're out on the streets committing 9 crime. And when the justice system is 10 disturbed, or broken. What you start seeing 11 across the streets is street justice. 12 I was -- before I came here, I was 13 dealing with a homicide wherein a kid got a 14 gun and shot another kid. And many of our 15 homicides in the City of Jackson is 16 interpersonal. Many of these homicides it's 17 very hard to predict or prevent because it's 18 happening between two people don't know how 19 to resolve their issues without pulling out a 20 gun. And they bold enough to do it, they're 21 bold enough to do it. So it drives a lot of 22 our numbers. 23 But I can talk about some of the things 24 that the Jackson Police Department is doing. 25 Year to date, we have -- we have made over</p>	<p style="text-align: right;">Page 112</p> <p>1 you for the attorneys, but what the City of 2 Jackson needs, because all our evidence have 3 to go to the State -- the State collects the 4 whole State evidence. So we had a Capitol 5 City Crime Lab so that we can address the 6 crimes in Capitol City that would help. So 7 Capitol Police, Hinds County and Jackson 8 making the arrests, we are making these 9 arrests, you can see that -- see the numbers 10 but if we cannot collect and analyze all the 11 evidence herein, Jackson, we still, even 12 though we have all these attorneys, we're 13 still in the same situation, waiting on 14 evidence. 15 So what I see, Jackson and Hinds County 16 needing more right now to help expedite these 17 cases with the evidence to go to trial, we 18 need a Capitol City Complex, I mean, a 19 Capitol City Crime Lab housed here for the 20 Capitol Police and all our law enforcement -- 21 law enforcement agencies. And we have a 22 great working relationship with our federal 23 partners. But before all this evidence, all 24 this -- before we go to trial, we need the 25 evidence. So this is one of my needs. And</p>

28 (Pages 109 to 112)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 113</p> <p>1 also what I'm requesting, in 2000 -- I  2 believe '19, I realized that we must tap into  3 technology to best serve our community. And  4 technology is a force multiplier because  5 we're losing law enforcement officers all  6 over the state, all over the country. People  7 just don't inspire to be police. We can't  8 give up. We must tap into the technology.  9 And what we have, what we built from the  10 ground up is a real-time command center. And  11 what it is is a force multiplier where we can  12 put cameras in our hotspot areas, so that we  13 can monitor these cameras 24 hours a day. So  14 we can best deploy our resources to these  15 areas to prevent, hopefully with the blue  16 light, to prevent crime. But we can have the  17 evidence, the eyes inside of communities so  18 that we can best use the manpower that we do  19 have. And plus, it's an investigation tool  20 that we can use to prosecute these bad  21 actors. And we move -- must move towards  22 technology.  23 I hear from business owners, some of the  24 schools in our communities, and when we put  25 those cameras down in South Jackson, crime</p>	<p style="text-align: right;">Page 115</p> <p>1 up our Fairgrounds.  2 It's a very difficult job. And all that  3 stress is on the shoulders of police  4 officers. So we must search for best  5 practices. We must tap into technology.  6 But I truly believe, and I like the  7 direction that we're going right now,  8 everybody's at the table, because it's Hinds  9 County is short, JPD is short, Capitol Police  10 is short. But if we all come together and  11 work under one umbrella to keep the capitol  12 city safe, it's a force multiplier. The DA  13 is prosecuting cases. We get a state  14 crime -- a capitol complex crime lab to  15 prosecute cases. And these bad actors  16 realize that if I commit a crime now in  17 Jackson, I won't go home.  18 And we must get our jail situation  19 because you get a community realize the  20 difference between Rankin County, Madison  21 County and Hinds County, Rankin County and  22 Madison County have the jail, and the bad  23 actors know it. And that's what we're  24 working to get -- that Jackson Detention  25 Facility open so we can help fix this broken</p>
<p style="text-align: right;">Page 114</p> <p>1 reduced by 51 percent -- left South Jackson.  2 Guess where it went? Towards north. The  3 same bad actors left South Jackson because  4 they know they was watched by police. We  5 have made an arrest. We have seen shootings.  6 So when we start making these arrests and  7 publicizing, it moved towards the Belhaven or  8 the Fondren. We're working right now with  9 Dr. Reid to try to put cameras in those  10 areas.  11 Last year, Representative Gibbs and I  12 met with many individuals here soliciting  13 money so that we can put cameras across the  14 city, so we can best keep all of Jackson safe  15 because people are walking away from this  16 profession. But technology is the way to go  17 right now. Yes, we need more money. We need  18 to pay police officers -- we need to pay  19 police officers more because it's a very  20 difficult job. We see the good and the bad  21 and the ugly of life, and it's very difficult  22 to understand why a son will kill his mother,  23 why two friends would get into a senseless  24 argument and shoot each other down, why kids  25 walking around with assault rifles shooting</p>	<p style="text-align: right;">Page 116</p> <p>1 correction system here in our capitol city.  2 So, I'm open for any questions.  3 COMMISSIONER BAINS: Yes, sir. Thank  4 you, Chief. Thank you for your heartfelt  5 testimony and sincerity on some of the stuff  6 you said. I want to talk about this holding  7 facility or jail.  8 When I practiced law in Jackson, there  9 was a little place, I guess kind of behind  10 the courthouse. I know there was a lot of  11 women there. Is that still in operation  12 CHIEF DAVIS: Behind the courthouse?  13 COMMISSIONER BAINS: I thought there was  14 one old Jackson. There was a little  15 detention center back there. No, it burned.  16 That building is burned. So what we are  17 doing is the downtown Jackson facility, in  18 the -- in the court building we're looking  19 to -- because it's vacant right now, and  20 we're working with Hinds County Board of  21 Supervisors to do some rehabbing.  22 And we're meeting every other week to  23 try to see where we at on getting that open,  24 taking care of some necessary repairs. And  25 we are looking to open that up so that we can</p>

29 (Pages 113 to 116)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 117</p> <p>1 house some of our misdemeanor offenders.  2 Because right now in the City of Jackson, we  3 have nowhere to take these misdemeanor  4 offenders. And when a misdemeanor offender  5 realized that I'm not going to go to jail for  6 taking something under \$1,000 from a dollar  7 store, we are in jeopardy of losing that  8 business, losing that tax base.  9 So that's why I'm so aggressively trying  10 to get this facility open and put that  11 message out. So we talk it every other  12 weekend, I mean every other week to try to  13 make this happen -- meeting.  14 COMMISSIONER BAINS: Is that place --  15 have you got that place designated or ready  16 to go? You know where you're going with it?  17 CHIEF DAVIS: Yes, sir. Yes, sir. We  18 have identified and we are working with the  19 Hinds County Board of Supervisors and Mayor's  20 office. Council on board. So everybody's on  21 board. We're just looking to fund it.  22 COMMISSIONER BAINS: How much, for lack  23 of better word, beds, or how many will you be  24 able to hold there?  25 CHIEF DAVIS: Well, the whole facility</p>	<p style="text-align: right;">Page 119</p> <p>1 bond, if they might bond or whatever the case  2 may be.  3 CHIEF DAVIS: Correct.  4 COMMISSIONER BAINS: Okay. Okay. You  5 talked about these cameras. You said you put  6 them in South Jackson?  7 CHIEF DAVIS: Yes.  8 COMMISSIONER BAINS: What was the  9 process of that? Was that something the city  10 council did? Was that something the police  11 department did, or how was it funded? And  12 just if you will tell me how that came about.  13 CHIEF DAVIS: Well, it came about, if  14 you can recall, late 2018, I think Evan just  15 became Chief around late 2018 and going into  16 2018. We had an active shooter scare inside  17 the UMMC hospital where they reported that  18 they had an active shooting inside the  19 hospital.  20 So they have their own police  21 department, so they called me right there in  22 front of -- which their jurisdiction and  23 State Street, an individual shot into a car,  24 hit two babies. The mother got out of the  25 car and ran into the emergency room with two</p>
<p style="text-align: right;">Page 118</p> <p>1 right now, I believe 180-something beds. So  2 we want to start on, I believe, the third  3 floor, which would give us maybe 50, 60 beds  4 just to start. And it will be a pilot, but  5 we must start. And so we identified a  6 floor -- making the necessary repairs. We  7 have been approved to hire more detention  8 officers to staff it, to feed them, to  9 transport them. So, all the business of  10 running a holding facility, we have put that  11 in place, and we're looking now how it looked  12 to fund that.  13 And I believe that if we get that and we  14 can partner with capitol -- or the state to  15 help us fund that, that's that force  16 multiplier. And I believe that some of these  17 misdemeanor offenders that is terrorizing  18 downtown partners, they will have somewhere  19 to go.  20 COMMISSIONER BAINS: Do you -- so when  21 someone in the city of Jackson commits a  22 felony, at this point, do you take them to  23 Raymond?  24 CHIEF DAVIS: Yes.  25 COMMISSIONER BAINS: Until they might</p>	<p style="text-align: right;">Page 120</p> <p>1 bloody babies. So during that time, the  2 hospital shut down -- UMC shut down and said  3 that they had an active shooter.  4 I responded to the scene and I was  5 trying to locate -- because I had to deploy  6 my SWAT team. So, I'm responding to the  7 scene and I'm trying to get some surveillance  8 to locate this active shooter inside the  9 hospital. I knew they had cameras. So, come  10 to find out, it was not an active shooter  11 inside the hospital. So I knew right then,  12 and I had to answer all that. UMC didn't  13 have the answer. No other law enforcement  14 agency had to answer. I had to address the  15 media about what we're going to do to keep  16 UMC safe.  17 So that's when I went into the pursuit  18 of technology, so that if or when it ever  19 happened again, we will be able to override  20 and tap into the camera system at UMMC so  21 that if there's a case of an active shooter,  22 we can deploy the resources to save time and  23 lives. So, that's why I went into the Real  24 Time Command Center and we built this from  25 zero.</p>

30 (Pages 117 to 120)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 121</p> <p>1 So, I got with my grant writer and we 2 was able to write a grant, a hotspot grant, 3 and that is to put cameras in high crime 4 area, which at that time was South Jackson. 5 So, we was awarded a grant. The mayor gave 6 us a building. We renovated the building. 7 The mayor gave us the money to outfit it with 8 all the cameras so that we can tie into that 9 hotspot area and we can monitor area 24 hours 10 a day. 11 And the success it took on, crime 12 reduced 51 percent. We knew that was the 13 direction to go. And when crime reduced, and 14 Belhaven realized their crime increased. And 15 some of the bad actors was down in South 16 Jackson, was armed robbing folks in Belhaven. 17 We make the arrest. The bad thing about it, 18 some of those individuals are still out. But 19 due to their success, I realized that that is 20 the way to go. That is a force multiplier 21 because we can't afford to put police 22 officers on every corner, but we can put eyes 23 and ears in the community so that we can keep 24 our citizens safe. 25 COMMISSIONER BAINS: When you say it</p>	<p style="text-align: right;">Page 123</p> <p>1 to put cameras -- more cameras in West 2 Jackson, North Jackson, the Fondren area, 3 Belhaven. I met with many of the 4 neighborhood associations, and desert is 5 their number one request. They want cameras, 6 and I believe that if we can continue to go 7 in the direction that we will go into working 8 together. 9 I met with Capitol Police and other 10 agencies. They can have an officer there at 11 our Realtime Command Center, monitoring the 12 cameras within their jurisdiction so that -- 13 if they don't have a communication dispatch, 14 if they're not up and running, at least they 15 can have an officer with a radio, watching 16 the cameras inside their complex, where they 17 can deploy those resources that are also 18 there -- to possible threats. And I have 19 offered that to Chief Luckey. So it's 20 available in our communication center. If 21 you want to bring a dispatcher to our 22 communication center, I told the commission 23 we're open for it. We have a seat at the 24 table if they want to use it. 25 COMMISSIONER BAINS: Any questions?</p>
<p style="text-align: right;">Page 122</p> <p>1 dropped 51 percent, what time frame was that 2 over? 3 CHIEF DAVIS: It was about a year and a 4 half by the time we put those cameras up. 5 And we was able to monitor and build a real 6 time command center, and we was able to 7 deploy resources anytime that we saw 8 suspicious activity. 9 COMMISSIONER BAINS: And JPD owns the 10 cameras? 11 CHIEF DAVIS: Yes. 12 COMMISSIONER BAINS: You can use those 13 in court as a custodian record. That's how 14 you provide the evidence. 15 CHIEF DAVIS: Yes. 16 COMMISSIONER BAINS: Okay. Okay. So 17 that was pay for by a grant. I asked the 18 Sheriff and the hotspots in the city -- now 19 would you classify that as a Belhaven area, 20 Fondren area? 21 CHIEF DAVIS: Well, it's crime just 22 moving around so rapidly. It's kind of all 23 over. And I want to put cameras all over. I 24 want to partner with Capitol Complex to try 25 to put cameras around the fairground. I want</p>	<p style="text-align: right;">Page 124</p> <p>1 Lady from Madison. 2 SPEAKER G: Thank you so much, Chief, 3 for being here and thank you for the job that 4 you're doing. I know it's a tough one and I 5 appreciate it. I represent the city of 6 Madison here at the State House, and we have 7 cameras there, and I believe that it is a 8 huge deterrent of crime. And so I hope that 9 your mayor and board of alderman or 10 councilman will see that that's an important 11 issue for the city of Jackson as well. But I 12 wanted to elaborate or ask you a question 13 that Andre had mentioned. 14 If his kingdom -- he wanted more data. 15 I thought he was going to say he didn't need 16 more money, but by the end of his speech, he 17 said he did need more money. But I wanted to 18 go back to the data and the -- why -- just 19 wanted to know why the city of Jackson does 20 not report their data to the FBI? 21 CHIEF DAVIS: Well, it's on our website. 22 We have a new system that we went to, the 23 Tyler system and with that new system, it's 24 still a work in progress. So instead of 25 reporting inaccurate numbers because the</p>

31 (Pages 121 to 124)

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## Judiciary B Meeting 10/10/2022

Page 125	Page 127
<p>1 number fluctuate, we built in a system, so  2 when we make all the necessary corrections,  3 we will report those numbers to the FBI.  4 Speaker C: When do you see that day?  5 CHIEF DAVIS: We're working on that  6 whole brand new system. We're working on  7 that. So hopefully within the next three to  8 six months, we can -- we can be able to have  9 all the necessary repairs done to report the  10 correct numbers.  11 SPEAKER G: Good. I know that he's  12 thankful for that.  13 CHIEF DAVIS: Yes.  14 COMMISSIONER BAINS: Lady from Hinds?  15 Speaker C: Thank you. Chief. With  16 respect to the holding facility, you  17 mentioned that there are active discussions  18 going on between JPD and City Counsel and the  19 Board of Supervisors. Has the Board of  20 Supervisors or the City committed actual  21 dollars towards making this happen or is it  22 just being discussed?  23 CHIEF DAVIS: Well, of course the city  24 is definitely committed dollars, manpower,  25 resources, but the infrastructure of that</p>	<p>1 trying to make sure -- working together with  2 the Board of Supervisors and the City Council  3 to prepare all those necessary needs. If  4 that answers your question.  5 Speaker C: Those needs though, to get  6 the building up to code, so to speak, to  7 satisfy DOJ's issues, that just takes money,  8 right?  9 CHIEF DAVIS: Yes.  10 Speaker C: And neither the City Council  11 nor the Board of Supervisors have given you  12 money?  13 COMMISSIONER BAINS: No. No, I have  14 not -- no one has given me money.  15 Speaker C: Okay, thank you.  16 CHIEF DAVIS: Thank you. But we need  17 money. So if we can get the money to get  18 that, I think we will see a big difference in  19 our crime, in summer especially. Send a  20 message to our bad actors.  21 COMMISSIONER BAINS: Lady from Hinds?  22 Ms. Gibbs.  23 MS. GIBBS: Thank you. Thank you Chief,  24 for being here.  25 CHIEF DAVIS: Yes.</p>
Page 126	Page 128
<p>1 building -- we definitely need money for  2 that. When I say infrastructure, whether the  3 plumbing, the sales, things of that nature.  4 But as far as we are fully committed because  5 we are committing the budget, the manpower,  6 the resources that it takes to run that  7 facility.  8 Speaker C: Let me reask the question.  9 I'm not referring specifically to JPD running  10 the facility once it's renovated. I mean  11 specifically, has the City Council voted to  12 pledge or give any funds towards renovating  13 the facility so that it can be opened?  14 CHIEF DAVIS: I'm not sure on that  15 dollar amount. I don't know -- I'm not sure.  16 I know we had many conversations. I don't  17 know if any money has been allocated to that.  18 But there are in agreements to do what they  19 need to do so that we can open it.  20 The Board of Supervisors, the building  21 maintenance, some small issues that we're  22 trying to work out as it works -- as it  23 relates to the needs to house human beings,  24 some of the problems that we Department of  25 Justice had with that facility. So we're</p>	<p>1 MS. GIBBS: You didn't mention the  2 number of police officers you have currently.  3 CHIEF DAVIS: Yes, we currently have 250  4 and we budget for 304. And I appreciate th  5 City, the Mayor and the City Counsel. We was  6 able to give an increase, pay increase, a  7 raise for officers this year because we was  8 losing officers in record numbers -- in  9 record numbers because of the pay and we need  10 more money because this is a very stressful  11 job and I believe that we must put public  12 safety above a lot because if people don't  13 feel safe and it's bad for any city. And the  14 number one issue right now is the officers  15 need to get paid.  16 MS. GIBBS: Another key point you  17 mentioned was the state crime lab.  18 CHIEF DAVIS: Yes.  19 MS. GIBBS: So do you know the duration  20 of time from the state crime law being able  21 to process evidence so that a trial can  22 commence?  23 CHIEF DAVIS: I don't know the exact  24 time but just like the DA mentioned, they're  25 playing catch up right now. I think it was</p>

32 (Pages 125 to 128)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 129</p> <p>1 like 18 months and due to COVID right now is 2 even longer right now. They're prosecuting 3 old cases -- old cases. So I don't know that 4 time. But I believe that we can speed it up 5 the evidence if we had a capitol city crime 6 lab. 7 MS. GIBBS: Well, is the issue dealing 8 with staff at the state crime lab? Is that 9 what the delay? 10 CHIEF DAVIS: I can't speak for the 11 state crime lab but I know we just one 12 customer. The state crime lab catered to 13 they get evidence from all over the state so 14 I can imagine with COVID -- from departments 15 from all over the state, I can imagine all 16 the evidence they have to process so that a 17 case can go to trial, all over the state. 18 So with the workload and the population 19 here in Hinds County, I believe that that is 20 one of the things will help the judges, help 21 the attorneys, help law enforcement, if we 22 had a state -- Capitol City Crime Lab. 23 Speaker C: And you mentioned the need 24 for cameras, where we did request funding to 25 have additional cameras. And you also</p>	<p style="text-align: right;">Page 131</p> <p>1 So I believe if we continue to work 2 together and come together and strategize 3 together and to provide the best police 4 services for Jackson -- all of Jackson. I'm 5 concerned about all of Jackson and also the 6 Capitol Complex. But if we work together, 7 it's a force multiplier and we can make a 8 difference. 9 MS. GIBBS: Thank you chief. Thank you. 10 COMMISSIONER BAINS: Chief, a 11 reoccurring theme I spoke to the police Chief 12 association down in Biloxi, back in June or 13 July and a reoccurring theme among all police 14 chiefs was a couple of things. One of it was 15 pay, one of it was mental health issues and 16 one of it was recruitment. You've been doing 17 this a number of years. 18 I know pay is an incentive to get people 19 there, but I don't know that's enough to get 20 people to be officers. What, in your view, 21 can be out there to create a better 22 environment to recruit new officers? 23 CHIEF DAVIS: Well. 24 COMMISSIONER BAINS: It's a chicken 25 versus that type of thing. You lower crime,</p>
<p style="text-align: right;">Page 130</p> <p>1 mentioned the fact that you had offered to 2 Capitol Police to have a staff there to be 3 able to -- to be able to look at the cameras, 4 to be able to access them. 5 CHIEF DAVIS: Yes. 6 MS. GIBBS: So I think that's a good 7 idea as we talked about being able to on live 8 time be able to see any crime that might be 9 occurring in the capitol accomplice district. 10 So you're going to wait on the capitol police 11 to determine whether or not they want to have 12 that excess. So you've offered that? 13 CHIEF DAVIS: Yes. Yes. I've offered 14 that many times. Just like Mr. Gomez said, 15 he don't care who respond, someone will have 16 to respond. And I believe that if you 17 running the department you must communicate. 18 People need to have someone because I think 19 Capitol Complex maybe have 21 miles -- square 20 miles of patrol. We have 115 square miles 21 and we are short also and I believe we 22 receive over 900,000 calls a year. That's a 23 lot of calls. That's a lot of calls and we 24 average about 8,000 calls -- 8,000 calls a 25 week.</p>	<p style="text-align: right;">Page 132</p> <p>1 you get better officers, you get better 2 officer, you lower crime. And I know there's 3 not an end all be all. It's kind of eating 4 the elephant but just any idea that you may 5 have. 6 CHIEF DAVIS: Well, officers come to 7 work to work and you have to be especially 8 individuals to sign up to deal with the good 9 and the bad and ugly of life. But I think 10 the best award that a police officer can get 11 is knowing that the justice system will work, 12 knowing that a police officer have the 13 resources. If I catch an individual, I got 14 an award. 15 Now the courts in the corrections is 16 going to do their part. I believe that an 17 officer will want to stay because it's a 18 calling that they're making a difference for 19 a community. And when an officer see that, 20 and I have had some young officers to 21 approach me, very frustrated about an 22 individual terrorizing a local store, the 23 store owners in their community depending on 24 that officer to make a difference, to be 25 their superhero. It's a self satisfaction</p>

33 (Pages 129 to 132)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 133</p> <p>1 when the justice system work and the law  2 enforcement can see the justice system work.  3 I believe that would be the big  4 recruiting tool. Of course, money. And we  5 have did a great job with providing them with  6 body cameras to be able to tell their story  7 in case something happened. Tasers, laptop,  8 new patrol SUVs. We have did a great job of  9 giving them, but that's not enough. But what  10 I'm hearing from officers -- to retain  11 officers, to take that stress off these  12 officers -- to know that the justice system  13 will work because these officers have to  14 patrol a particular beat.  15 And these officers -- these citizens on  16 these beat believe that these officers will  17 make them safe. These officers want to make  18 them safe. But what -- when they see the  19 same individuals, it's not everybody. These  20 bad actors, they know they can get away with  21 it, terrorizing the community and they're  22 still on the streets is difficult.  23 And another thing is mental health.  24 It's a very very sad and it's a dark  25 situation. People can't take care of</p>	<p style="text-align: right;">Page 135</p> <p>1 help you in any way, shape or form. Okay?  2 CHIEF DAVIS: Thank you. Thank you very  3 much.  4 COMMISSIONER BAINS: All right, Chief  5 Justice, you're up to bat close to lunch.  6 And Chief Justice, just for the record,  7 before we got started today, we took a poll.  8 Did we want Greg Snowden to talk, or did we  9 want you to talk? And we all voted for you,  10 so...  11 CHIEF JUSTICE: I would have voted with  12 you all as well.  13 Sitting here looking at a group of  14 people near the size of a jury, reminds me of  15 a trial I was in in West Virginia years ago.  16 And when I got up to speak to the jury, what  17 I said is, I am the person that you all been  18 waiting to hear from all day long, not  19 because of who I am, but because I'm last.  20 So -- I do want to -- I've got some  21 handouts coming around. Catherine, if you  22 get those out. It's really unique to me that  23 the Sheriff opened up talking about mental  24 health today. And then the next thing I  25 heard is, Mr. Chairman, you talked about</p>
<p style="text-align: right;">Page 134</p> <p>1 themselves. Mental health is on the rise and  2 we -- what do we do with them? We have no --  3 we have no way because they're human beings.  4 We have no way to police mental illness,  5 homeless population. It's not illegal to be  6 homeless. It's not illegal to be mentally  7 ill. But we are faced with those individuals  8 each and every day, all day.  9 For a community for downtown to  10 thrive -- Mr. Gomez, I've dealt with him many  11 times. It's a lot of mental illness business  12 leaving due to mental illness, homeless  13 population. That is a very stressful  14 situation that if we can bring some attention  15 to that, because that's a human need that you  16 cannot police, and it's very delicate --  17 so -- and that puts stress on an officer.  18 And if we can clean that up, put some  19 attention on that, I believe that will help  20 an officer stay on the job a little longer.  21 COMMISSIONER BAINS: Okay. Thank you.  22 Are there any other questions from committee  23 members? I don't see any. Chief, we  24 appreciate you coming. Thank you for your  25 hard work. This committee stands ready to</p>	<p style="text-align: right;">Page 136</p> <p>1 mental health, and then the Chief talked  2 about mental health. So one thing I wanted  3 to bring out, and I brought these along, I'm  4 showing you, number one, I believe that the  5 Courts of Mississippi is the most efficient  6 part of government, bar none.  7 And I'll support that with what I'm  8 going to show you today. So when you give  9 money to the courts, it's wisely spent. If  10 it's not spent, it's returned. And -- but  11 the reason I bring up mental health is one of  12 the things is because of the Chairman, along  13 with Representative Creekmore, last year  14 stood tall and helped the courts increase  15 funding for mental health. And I'm pleased  16 to report -- I don't know that's been  17 reported publicly, but Hinds County will have  18 its own Mental Health Court Judge. Faye  19 Peterson has agreed to do that. And so I  20 thought that'd be good news for you all to  21 understand that, yes, the court is thinking  22 about it, dealing with it, training people,  23 and going to expand it.  24 The document you have before you is the  25 amount of savings that intervention courts in</p>

34 (Pages 133 to 136)

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## Judiciary B Meeting 10/10/2022

Page 137	Page 139
<p>1 this state have saved the State of 2 Mississippi. It's a billion dollars. Those 3 are not -- all these numbers are easy to back 4 up. And most important to people like the 5 Sheriff and the Chief of Police is recidivism 6 rate. The people who graduate from these 7 courts, the recidivism rate is 3.2 percent; 3 8 percent. Recidivism rate for people go to 9 parchment is 35 percent. You can't spend 10 better money than you do. You'll see on that 11 report will breakdown the number of mothers 12 that have drug-free babies is amazing at how 13 much money that costs the state if it doesn't 14 work. So the court is into a lot more 15 things.</p> <p>16 Now, I know today's topic is about 17 crime. That's the reason I gave you that. 18 You can take it home and read it. You can 19 call me and want to talk about it, but we're 20 mighty proud of what we're doing. And it 21 certainly ties in with one of the problems 22 with the crime rate, both in this City as 23 well as throughout the State. Now I'm going 24 to back up a little bit and say this. 25 If we want to figure out where we're</p>	<p>1 appointed judges and I have a whole nother 2 list of more judges to appoint, should I need 3 more? Because we're now just figuring out 4 what are we doing. We've had a lot of 5 contacts with the court and they want to 6 know, well, who you appointing and when's it 7 going to start? Well, it started way back 8 when and it goes back to the CARES Act just 9 for one second. And the reason I want to 10 bring that out is that the history of COVID 11 from our standpoint and government standpoint 12 was about March 2020. That's when everybody 13 find out something's going on.</p> <p>14 And at that time, one of the first calls 15 that I got was from Meridian, Mississippi and 16 they said, Judge, the people are leaving the 17 courthouse, the employees are going home, the 18 clerks. And I said, well, they can't the 19 courts have to stay open. The courts have to 20 stay open. And I talked to the Governor's 21 Office about the stay at home order they put 22 in. And I said, the judiciary is different. 23 Constitutionally, we're a branch of 24 government, and we control when we're open, 25 when we're closed. And we got to be open all</p>
Page 138	Page 140
<p>1 heading, we got to examine where we've been. 2 And so some of the things and questions that 3 I heard answered today, I'm going to try to 4 fill in the blanks for you. The monies that 5 have been given to the court at this point, 6 both through the CARES Act originally and now 7 through ARPA, our rescue plan, those monies 8 are designated and the federal government has 9 locked in. those expenditures have to be 10 COVID related. Okay? So if it's not COVID 11 related, those monies are not available.</p> <p>12 That's not to say that we're not taking 13 care of other matters that are not COVID 14 related. I practiced law and I've tried 15 cases in 14 different states and federal 16 state court. Even tried to try a case up 17 here in Jackson before I went on the Supreme 18 Court almost 20 years ago and I couldn't get 19 a trial. So that's not a new thing. That's 20 not new.</p> <p>21 However, the efforts that we're making 22 now -- one of the questions I heard is how 23 old are some of these cases that we're 24 assigning judges? And I wrote down here -- 25 about the 200 cases. So right now I have</p>	<p>1 the time because crime don't take no time 2 off. And by the time the meth lab blows up 3 in the middle of night, some judges got to be 4 available to decide where those young 5 children are going to go to. And when 6 there's a domestic violence in the middle of 7 the night, some spouse needs a Protective 8 Order signed by a judge. So we had to stay 9 open.</p> <p>10 And I'm very proud of the judges 11 throughout the state. It's just like when 12 we're starting the project we're on now, 13 which I'll get to in a minute, which is the 14 Rescue Act funds. We started studying the 15 problem first. Jody Owens contacted me. The 16 Lieutenant Governor contacted me. The 17 Speaker contacted me. And the first thing we 18 did is I met with Sally Norwood, and Jody and 19 Jen McBride and said, okay, what's going on?</p> <p>20 And they pointed out the problems in 21 trying to get their cases to try. Well, in 22 the meantime, I was reading in the newspapers 23 or over the Internet or whatever that the 24 problem was the judges. You know, judges in 25 Hinds County were the problem. And while all</p>

35 (Pages 137 to 140)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 141</p> <p>1 this was going on, nobody was talking to the 2 judges because they kept saying, when is 3 somebody going to talk to us? Well, I didn't 4 have anything to say til I knew what the plan 5 was going to be. 6 But we started having meetings, and one 7 of the first people invited to the meetings 8 when I met with the judge was Andre, because 9 we said, okay, if we're going to beef up the 10 prosecution, you got to beef up the criminal 11 defense. And -- so those meetings started 12 transpiring. I asked the District Attorney, 13 I said, when do you expect you can start 14 trying additional cases? When I start 15 appointing judges. He said, July 1st. And I 16 thought, I don't think so. I've been trying 17 cases a long time. The money didn't start 18 flowing until July 1st. Couldn't pay 19 anybody. 20 I called Andre, and said I can't meet 21 with you right now. I've got another thing 22 going on. But he and I had a nice long 23 conversation as I was commuting back and 24 forth, and he thought that maybe we could get 25 cases started by September 1st, if I recall</p>	<p style="text-align: right;">Page 143</p> <p>1 that everybody understands what the issues 2 are. I was hearing from one side, we can't 3 get trials, and the judge will say, we got 4 criminal dockets here. We hold criminal 5 docket every month. I said, the problem is 6 they're not ready for trial. Well, we're 7 hearing today one of the reasons they're not 8 ready for trial is because they have to wait 9 for information to come from expert 10 witnesses, state crime labs, and things like 11 that. 12 So that was one of the dams that caused 13 this thing to get backed up. When going back 14 to CARES Act, I first realized that 15 statewide, we were opening about 120,000 16 cases a year. And I realized when COVID 17 first hit, it was basically, keep the court 18 only open for absolute critical things that 19 had to be open. Hinds County was one of the 20 hardest counties hit by COVID. And so 21 everything slowed down but did not stop. 22 When our computers -- we'd have a backlog of 23 about 35,000 cases. I was thinking when it 24 first started this is going to last three 25 months it's going to be over, but it didn't</p>
<p style="text-align: right;">Page 142</p> <p>1 right. And I thought, well, that's more 2 realistic. You got to get these people 3 hired, and the staff -- people need to know 4 what the cases are. So once we started 5 working with -- the fall was our goal to 6 start cases, the press wanted a magic bullet. 7 You got this money. Legislature say you can 8 appoint judges, where they at? Who are they? 9 Well, I didn't want to do that. It wasn't 10 time to rush into because we had to get brick 11 and mortar in place. We had to have places 12 to hold trials. 13 So I'm meeting with the judges. I'm 14 meeting with the defenders, both local and 15 state. Gail met with us as well and we 16 started working toward a plan and identifying 17 cases that would be ready for trial. I 18 mentioned -- I'll give you those dates, those 19 dates of the cases. Some of the cases have 20 been assigned. Go back as far as 2008, 2011, 21 2010 and 2014. 22 Now, recognizing that I've got to keep 23 separation from the inner workings of a trial 24 because the Constitution requires me -- all 25 I'm trying to do is facilitate and make sure</p>	<p style="text-align: right;">Page 144</p> <p>1 work out that way. But knowing that I had 2 35,000 cases at that time when the federal 3 government said, we'll give some money to the 4 states to try to work at that time, if you 5 all recall, at first the Governor was going 6 to spend the money. and then the legislature 7 said, we're not so fast Governor, we're going 8 to spend the money. So I already sent a 9 letter to the Governor. then I sent a letter 10 to the Senate and asked for \$5 million, and 11 the legislature was kind enough to give me 12 two and a half million dollars. 13 And that is one thing I want to talk 14 about. Any future funding, please involve us 15 through Representative Snowden. He's 16 representing, when he's over here, he's a 17 director over there, to work together to 18 design the Bill. Because one of the 19 problems, once we started spending money, I 20 get a call from the Lieutenant Governor and 21 said, the DA needs some assistance. And the 22 next thing I got was a letter from Andre 23 saying, if you're going to give them 24 assistance, give us some too, and that's only 25 fair. However, the Bill that was sent over</p>

36 (Pages 141 to 144)

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## Judiciary B Meeting 10/10/2022

Page 145	Page 147
<p>1 by the House that gave us that initial two 2 and a half million dollars in spending money, 3 restricted us to spending money on judges 4 only. 5 And -- so that's all we're going to do. 6 We're going to follow what the law is. In 7 the meantime, I met with the Governor and 8 said, look, you didn't put any restrictions 9 on the two and a half million dollars that 10 you gave the court to deal with this. And if 11 you don't mind, the District Attorney and the 12 Public Defenders would like to have some 13 money so they can beef up their staff. And 14 he said, fine, go ahead and do that. And so 15 that's what was done. 16 When everything was said and done we 17 returned -- because of the way the 18 legislation was coming out of here, and the 19 cut off dates when the money had to be spent 20 by the two and a half million dollars that 21 the legislature gave the courts to work on 22 these projects, we returned to \$864,000 back 23 to the legislature. And that's the way -- 24 anything that you all direct toward the 25 courts will be spent on what is directed for</p>	<p>1 to know if these judges get reversed all the 2 time, because I don't want to bring judges in 3 that are going to have bad trials. And so 4 after vetting the judges, now, as it turned 5 out, the first appointment group was four. 6 But that's not who I was looking at. 7 Unfortunately Isadora Patrick's wife's 8 caregiver's mother had some kind of incident. 9 He had to start taking care of his wife. He 10 had to back out. Three or four days ago, I 11 got a letter from Kenneth Thomas who said, 12 I'm 80 years old. This is after he called me 13 and said, I'm on, I'm off, I'm on. I didn't 14 realize his wife was a County Judge. She 15 said, you need to get down and help them out 16 in Hinds County. And -- but finally the 17 decisions made that he wouldn't come down. 18 So anyhow, the judges selected that way, 19 I still have another category of judges to 20 appoint. So what we're starting with is 21 we're starting with getting four courtrooms 22 ready. And they're almost ready. I get 23 daily reports -- well Greg does, and he 24 forwards them to me about the status of 25 having the courtrooms ready. And so the</p>
Page 146	Page 148
<p>1 and what is not spent will come right back 2 over here. We don't go buy a new car or 3 something like -- matter of fact, we don't 4 own any cars over there. I think they have 5 one van to deliver for something. But the 6 bottom line is, it's wisely spent, it's 7 returned. We can document everything. 8 So that's how we got them -- coming up 9 with ARPA. The rescue act then started 10 coming. The request started coming, and we 11 started working on it. But there was no 12 reason for me -- I was getting telephone 13 calls now from senators and representatives 14 asking when are you going to appoint judges? 15 Well, I'd already talked to Isadora Patrick. 16 Isadora, would you be a judge for me? Yes. 17 I'd already talked to Kenneth Thomas up in 18 the Delta. Would you be a judge for me? I'd 19 already talked to Betty Saunders and asked, 20 would you be a judge for me? 21 I talked -- before I talked to anybody, 22 the first thing I did is identified about 23 twelve judges, and I then had our legal 24 department -- I said, I want to know what 25 these people's records are on appeal. I want</p>	<p>1 Public Defenders and the DA's Office and 2 Administrative Officer Courts are physically 3 looking. also they're talking to the Hinds 4 County Board Supervisors, who I think also -- 5 it was either \$500 or \$700,000 -- that they 6 put into the project to have courtrooms ready 7 as well. 8 So you've got all branches of government 9 working together to try to get rid of the 10 backlog. And the backlog is real. The 11 numbers are going up. And I went through -- 12 let's see if I can find some notes here. 13 Well, I'm glad I found this one. We knew the 14 backlog was continuing. In November of '21, 15 Greg Snowden sent a letter to -- I think it 16 went to every member over here, and basically 17 what it said was out of the rescue money that 18 the courts asked for -- the following money, 19 we asked for \$10 million to continue working 20 on the case backlog. 21 The reason we asked for that, the 22 original money we had, the \$5 million we had 23 closed about 8,000 cases, but we still had 24 another 24,000 to go. So that's the reason 25 we asked for that money. Now, the money --</p>

37 (Pages 145 to 148)

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## Judiciary B Meeting 10/10/2022

Page 149	Page 151
<p>1 the amount of money that was passed last year  2 in the bill was \$1.7 million. So if you want  3 to get the job done, it's not going to get  4 done for \$1.7. We already spent \$5 million  5 getting rid of 8,000 cases in backlog. So  6 the whole key to it, and that's the reason I  7 said you got to know where we've been. These  8 are hard numbers. We know what they are.  9 And I got to be careful about what I say  10 here, but I really thought in my mind this,  11 that if you give us the amount of money we  12 ask for, you give me two years and you won't  13 have a backlog or Michael take it to the  14 house. It's just that simple. But I've got  15 to have the money to get it done.  16 And the ability of the Public Defenders  17 and the DA's Office working together with the  18 judges, we have a good number of good judges  19 throughout the state that can come in and  20 help us. But we will be trying twice the  21 number of cases, just for starters. And what  22 I did find out is -- is that we appointed  23 judges for 200 cases. All right? So that's  24 our test -- four judges, 50 cases. You get  25 your own dockets, you got your own courtroom,</p>	<p>1 At the same time, I was watching the  2 people in New Orleans struggling because  3 police officers were not showing up for work.  4 The politicians had nobody to govern. The  5 whole thing fell apart. And you can't let  6 that happen here or any place else. These  7 crime statistics statewide are up all over  8 the state. I've got numbers from the coast  9 to Memphis, and I can show you that they're  10 up. The severity crime though, is really  11 high here.  12 And so what we did as we worked  13 together, working with the Public Defender's  14 Office, working with the DA's Office, and  15 say, give us serious crimes. We don't want  16 any death penalty cases. And the reason we  17 didn't want death penalty cases, because you  18 had to bring in such large jurors -- amounts  19 of jurors. But as far as capitol cases, yes,  20 give me 50 of your worst crimes. Give me  21 your high profile felonies. So that's the  22 cases that are going to be tried and whether  23 it gets started next week, the week after  24 that, I'm not sure  25 COMMISSIONER BAINS: I want to ask on</p>
Page 150	Page 152
<p>1 you got your own court administrator, you got  2 your own bailiff. The Sheriff has already  3 said, I'll provide the bailiff. They'll be  4 there. So thank you for that. And -- so,  5 working together we can get rid of this  6 backlog. And the backlog will help you get  7 rid of the crime, because you already are  8 hearing what's happening is that the people  9 that are being arrested are not afraid  10 because they're not going anywhere. They  11 will go nowhere.  12 I'm reminded of the time when Katrina  13 hit. When Katrina hit, I've got a -- I still  14 have a vision of it because people were  15 looting the streets of Hattiesburg, left and  16 right. And finally the Sheriff said, we're  17 going to do something about it. They put up  18 a chain lake fence out there. They said, if  19 you violate the curfew, you get to spend some  20 time inside the chain lake fence. And that's  21 what they did. They got two bottles of water  22 and a chain link fence. A terrific view.  23 And you know what? It solved the issue  24 because it was prompt, it was justice, it was  25 immediate.</p>	<p>1 that. I'm going to interrupt you just  2 quickly, because I'll forget. Are any of  3 those judges, are they just doing criminal or  4 are they doing civil work, too?  5 CHIEF JUSTICE: The criminal cases are  6 Rescue Act cases. I have -- one of the local  7 judges said, I got a seven week trial, civil  8 case. And I said, well, we're going to  9 alleviate that. So what's going to happen is  10 and I appointed a judge to hear that case,  11 and I'm being told that's working out well,  12 going to trial in January. So what we're  13 trying to do is to free up the judges here to  14 try cases, as well as the ones we're bringing  15 in, so we can double up the effort. But  16 civil cases will be tried. They're not going  17 to be ignored. Criminal cases get priority  18 on the docket.  19 COMMISSIONER BAINS: These four judges  20 can hear civil cases?  21 CHIEF JUSTICE: Pardon?  22 COMMISSIONER BAINS: The four judges --  23 CHIEF JUSTICE: The four judges --  24 COMMISSIONER BAINS: Their just  25 criminal?</p>

38 (Pages 149 to 152)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 153</p> <p>1 CHIEF JUSTICE: They're being assigned 2 criminal case numbers only. Let me quit 3 talking. I'll start answering questions. 4 I'm sure there are some, so...</p> <p>5 COMMISSIONER BAINS: You talked about 6 money. How much are you talking about to 7 alleviate, do you think, to alleviate the 8 backlog or at least to get it manageable?</p> <p>9 CHIEF JUSTICE: We've got to eliminate 10 it. That's the goal. It's not get 11 manageable because you manage anything. And 12 that's where things have been manned. I want 13 to clean out that doc -- that's one of my 14 goals. I've got certain goals while I'm 15 chief. One of them is to get rid of all the 16 backlog. The other goal I have for you all 17 that might have an interest is working with 18 CPS. We're going to try to do 1,000 19 adoptions this next year and y'all were kind 20 enough to give us money to do that too. So 21 that's another goal I'm working on.</p> <p>22 So we're expanding. I mentioned drug 23 courts when I started actually is going to be 24 five drug courts -- not drug courts, I'm 25 sorry, but regular mental health course is</p>	<p style="text-align: right;">Page 155</p> <p>1 say, oh, by the way, are you on your drugs? 2 Are you taking your drug? You can't have 3 those people the same. They got different 4 problems, requires different administration. 5 And so we've got that straightened out and 6 that's going to work very well. I'm 7 comfortable that at least we can get some 8 progress in that area.</p> <p>9 COMMISSIONER BAINS: Are there any 10 questions from -- any other questions for the 11 committee? Yes, ma'am.</p> <p>12 MS. GIBBS: Thank you. Here you 13 mentioned 35,000 cases.</p> <p>14 CHIEF JUSTICE: That was projected 15 number based on the number of filings. And 16 then looking at it and pretty much it's been 17 proven out it's about the right number.</p> <p>18 MS. GIBBS: So your objective is to 19 eliminate the backlog, as far as criminal 20 cases are concerned?</p> <p>21 CHIEF JUSTICE: Well, the money that we 22 have provided by the federal government has 23 to be COVID related. Okay? Now some of 24 that's trickle down because if you can't free 25 a judge up to get rid of normal backlog, they</p>
<p style="text-align: right;">Page 154</p> <p>1 going to be five. Those are pilot programs 2 that we're going to try to do the best we can 3 to eliminate that issue, which is part of the 4 crime issue. When the Sheriff has to pick 5 up -- he's going to have people down there, 6 they pick up once every four days.</p> <p>7 The problem -- most of the problems in 8 the mental health court is caused by people 9 failing to take their medications. Okay? 10 Failure to take medication is a leading 11 problem and I've had to fight with 12 unfortunately -- your Chairman backed me up 13 when other legislators said, well, just 14 combine them all. You can throw drug courts 15 and mental health courts and veterans courts 16 altogether. Well, no, you can't. I'm a 17 Vietnam veteran. It's different. Just -- 18 veterans got special problems.</p> <p>19 Think about it. In a drug intervention 20 court, you got 30 or 40 people. Winston Kidd 21 has that here. And you say, if you all not 22 drinking, you're not taking your drugs, 23 you're going to work there. So he goes to 24 the litany and then what was being suggested, 25 we bring those mental health people in and</p>	<p style="text-align: right;">Page 156</p> <p>1 can't get those cases.</p> <p>2 But we do have a defined area to make 3 sure that we're not encumbering. Well, one 4 of the things we did -- let me explain to you 5 what we do and we do, spending the money. 6 When the CARES Act came the first thing I 7 asked for was a meeting with the state 8 auditor and asked him to come to the court 9 and meet with us -- our staff. And that 10 brought another auditor because they had to 11 be an outside auditor.</p> <p>12 And we were able to get them to approve 13 any expenditures that the court was making in 14 realtime so that we never had to worry about 15 a call back. Well, you should have spent 16 that on this. So we have to with rescue 17 funds, we've got to stay within the confines 18 of COVID related. But let me say this, 19 outside of that, through the appointment of 20 special judges and knowing what the problem 21 in Hinds County was, I also appointed James 22 Bell and a couple of other people works over 23 there with the county court system. They 24 closed off of the dockets 120,000 cases last 25 year. 120,000. And we weren't spending</p>

39 (Pages 153 to 156)

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## Judiciary B Meeting 10/10/2022

<p style="text-align: right;">Page 157</p> <p>1 Rescue money on that. We used money that you 2 all allot to us for special judge 3 appointments. And if I see a problem, then 4 we're going to try to identify it and get 5 people in there. But over 100,000 cases were 6 closed. 7 MS. GIBBS: Your estimate is that using 8 four special judges, it may take us about two 9 years to clear the COVID related cases. 10 CHIEF JUSTICE: No, there's two 11 different things. Okay? The Rescue Act 12 allows expenditures, and you all correct me 13 over if I'm wrong, but I think through 2024. 14 Is that right? So that -- my plan on that, 15 as far as the crime and getting these 16 criminal dockets, we're going to keep going. 17 Now, this is not a one shot deal. All this 18 is -- this is the start. And I think that 19 maybe that's what Andre and Jody were trying 20 to say. 21 Look, this is not going to be over 22 tomorrow or next week or anything like that. 23 It's going to take a while. But if it works 24 according to plan, one of the things that 25 happens for your nonlawyer type is once you</p>	<p style="text-align: right;">Page 159</p> <p>1 was all you read about is the convictions. 2 You're not reading them -- you don't see it 3 in the newspapers about the dismissals. 4 Otherwise the case gets ready to come up 5 to trial. The guy's been sitting in jail 600 6 days and the Sheriff's going to back it up. 7 All of a sudden it's a nol process and he 8 gets to go home. He sat there for two years, 9 never was tried. And that's stuff that is 10 coming to halt. I mean that's -- seeing 11 these things has made me realize from the 12 standpoint of the justice side, forget about 13 the administrative aspect, that's where I'm 14 trying to get AOC to take care of the 15 administrative thing. 16 Because some of these people we're 17 sitting here talking about are going to 18 appear in my court one day. And I don't want 19 to say I favor/disfavor any of them. Look at 20 the law. If the law was followed and they 21 were convicted, that they stay convicted, not 22 they get reversed and get another trial. But 23 I don't have any knowledge of any singular 24 case or anything like that. But I do know or 25 I've been assured by the judges that the 50</p>
<p style="text-align: right;">Page 158</p> <p>1 start trying case, you start getting police 2 and then people start playing out. What is 3 important to the local people here is getting 4 them out underneath the Sheriff. Until 5 they're convicted, they belong to Hinds 6 County. If they're convicted, then they're 7 in Parchmen. That's a state issue. And if 8 they're acquitted, then they go home and see 9 that's one of the other things that we saw 10 happening in the month. 11 There was a period of time where I 12 looked at about a five month period, if I 13 recall right, about how many cases are 14 getting tried. Out of a number of cases that 15 were tried, there was a real high rate of 16 acquittals. Now, if you all not lawyers, 17 that means twelve people said not guilty. 18 That don't mean we can't decide. It means 19 not guilty, go home. And so out of 25 cases, 20 well, a couple of things are happening there. 21 Either the defense did a great job, guy was 22 innocent, or somebody broke down on the side 23 or maybe shouldn't been indicted to start 24 with. Because that's what the judges here in 25 this committee were complaining to me about</p>	<p style="text-align: right;">Page 160</p> <p>1 cases that were going to each of these first 2 four judges are serious felony cases. Are 3 you find that to be true, Andre? They are, 4 yeah. Okay. 5 That was real important to me. There's 6 one thing for DA said we got this number of 7 cases ready, but if they haven't done their 8 discovery and all these things are going on 9 in the case -- and the reason I didn't 10 appoint judges immediately is because if I 11 appoint them and they showed up and said, 12 okay, we've called case 001, what have you to 13 say? We need a continuance. I didn't want 14 that. I didn't want the City to be 15 encumbered and the State encumbered with a 16 bunch of that. 17 What we're trying to do is get cases 18 ready. And so when the bell rings, 19 everybody's ready to go and we're going to 20 have some trials and we are going to continue 21 those trials as long as the money lasts. 22 Okay? 23 COMMISSIONER BAINS: Chief justice, are 24 there any questions for? I don't see any. 25 We always welcome you to the committee. We</p>

40 (Pages 157 to 160)

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## Judiciary B Meeting 10/10/2022

Page 161

1 appreciate what you do across the street.  
 2 You are doing ymmas work and you are really  
 3 going to get a special swear in your crown  
 4 dealing with Greg Snowden every day.  
 5 CHIEF JUSTICE: Well, right now it just  
 6 feels like a sharp point.  
 7 COMMISSIONER BAINS: Thank you, sir. We  
 8 appreciate you. Thank you, ladies. That  
 9 concludes the hearing. I am going to, I  
 10 guess, adjourn it until November 17 and we'll  
 11 get the Mayor -- a subpoena will be issued  
 12 for his attendance here on that date to tell  
 13 us what his plan for the City of Jackson and  
 14 the crime is. So until November 17, we are  
 15 adjourned.

16 \*\*\*\*\*END OF TRANSCRIPT\*\*\*\*\*  
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Page 162

1 CERTIFICATE OF COURT REPORTER  
 2 I, Ginger H. Brooks, Court Reporter  
 3 and Notary Public, in and for the State of  
 4 Mississippi, hereby certify that the  
 5 foregoing contains a true and correct  
 6 transcript of the testimony, reduced to  
 7 typewritten form under my supervision by  
 8 means of computer-aided transcription.  
 9 I further certify that, to the best of  
 10 my knowledge, I am not in the employ of or  
 11 related to any party in this matter and have  
 12 no interest, monetary or otherwise, in the  
 13 final outcome of this matter.

14 Witness my signature and seal this the  
 15 day of , 2023.



16  
 17  
 18 GINGER H. BROOKS, #1165  
 19 CRR, RPR, CCR  
 My Commission Expires:  
 September 18, 2025  
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41 (Pages 161 to 162)

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